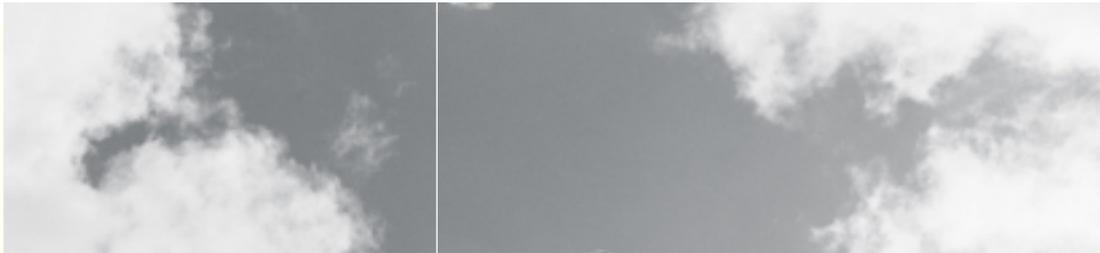


# NATIONAL MEDIATION BOARD

ANNUAL  
PERFORMANCE  
REPORT

For Fiscal Year Ending September 30, 2002





**TABLE OF CONTENTS**

	<b>2</b>	<b>BOARD MEMBERS AND STAFF</b>
	<b>6</b>	<b>MISSION STATEMENT</b>
	<b>7</b>	<b>FINANCIAL STATEMENT</b>
	<b>8</b>	<b>THE RAILWAY LABOR ACT AND NATIONAL MEDIATION BOARD FUNCTIONS</b>
		<b>FY 2002 RESULTS:</b>
	<b>12</b>	<b>MEDIATION/ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>
	<b>18</b>	<b>REPRESENTATION</b>
	<b>24</b>	<b>ARBITRATION SERVICES</b>
	<b>28</b>	<b>PRESIDENTIAL EMERGENCY BOARDS (PEBS)</b>
	<b>30</b>	<b>MANAGEMENT AND SUPPORT PROGRAMS</b>
	<b>34</b>	<b>APPENDIX</b>

## BOARD MEMBERS AND STAFF

					
<b>FRANCIS J. DUGGAN</b> Chairman	<b>EDWARD R. FITZMAURICE</b> Member	<b>HARRY R. HOGLANDER</b> Member	<b>BENETTA MANSFIELD</b> Chief of Staff	<b>LARRY GIBBONS</b> Deputy Chief of Staff – Mediation	<b>DANIEL RAINEY</b> Deputy Chief of Staff – Develop. & Tech.

### BOARD MEMBERS

During FY2002, the Board underwent significant personnel changes, both at the Board Member level and among the senior management team. In July, 2002, Board Member Magdalena Jacobsen left the Board after serving two terms, including two one-year terms as Chair of the Board. In August, 2002, two new Board Members, Edward Fitzmaurice and Harry Hoglander, joined Francis Duggan to bring the Board back up to its full compliment of three Board Members.

In March, 2002, Chief of Staff Stephen Crable left the Board, and Benetta Mansfield was appointed by the Board to be the new Chief of Staff. In April, the Board reorganized the senior management team, appointing Larry Gibbons and Daniel Rainey as Deputy Chiefs of Staff.

#### Francis J. Duggan, Chairman

Francis J. Duggan became the chairman of the National Mediation Board (NMB) effective January 1, 2001. Mr. Duggan was first appointed to the NMB by President Clinton and was unanimously confirmed by

the United States Senate on November 19, 1999. He subsequently was confirmed for a new three-year term on September 8, 2000.

He has extensive experience in both the rail and airline industries. For ten years he was an assistant vice president of the Association of American Railroads, and served on President George Bush's Commission on Aviation Security and Terrorism between 1989-90. Member Duggan has represented the Victims of Pan Am Flight 103 as a pro bono advisor and attorney. He is a Board Member of the Transportation Section of the Federal Bar Association and served as the editor of Translaw.

Member Duggan was a Presidential appointee at the Labor Department during the Ford and Reagan Administrations, serving as Assistant Secretary in the Reagan administration. He worked in the Senate on the Labor Committee and in the office of former Senator Charles Mathias (R-MD), and in the House for Rep. William Steiger (R-WI). Mr. Duggan was also the Director of Operations of the Legal Services Program in the Office of Economic Opportunity.

Member Duggan is an alumnus of St. John's college and law school in New York, and received two graduate political science fellowships. He also received a research grant from Harvard University for the book "Labor and the American Community" by John Dunlop and Derek Bok.

**Edward R. Fitzmaurice, Jr., Member**

Edward R. Fitzmaurice became a Member of the NMB effective August 2, 2002. Member Fitzmaurice was appointed by President Bush on November 9, 2001, to fill the vacancy created by the resignation of Member Ernie DuBester on July 1, 2001. Being unanimously confirmed by the U.S. Senate on August 1, 2002, Member Fitzmaurice will serve the balance of the term until July 1, 2004.

After graduating from Villanova University, Member Fitzmaurice served 4 years as a U.S. Marine Corps Officer. He was designated a Naval Aviator, and he served in the Dominican Republic and Vietnam as a Captain and Aircraft Commander, receiving several decorations, including the Armed Forces Expeditionary Medal and 11 strike/flight Air Medals.

Upon release from active duty, member Fitzmaurice became a pilot for Braniff International and served as a domestic and international Captain, Co-Pilot, and Flight Engineer.

Simultaneously with piloting for Braniff, he attended the Southern Methodist University School of Law and was licensed by the State Bar of Texas in 1971. He was an associate with the firm of Kern, Wooley and Maloney representing Underwriters at Lloyd's in aviation-related matters and was Of Counsel to the labor law firm of James L. Hicks and Associates, both in Dallas, Texas.

**Harry R. Hoglander, Member**

Harry R. Hoglander was sworn in as a Board Member on August 6, 2002. He was nominated by President George Bush on July 1, 2002, and was unanimously confirmed by the United States Senate on August 1, 2002.

Prior to joining the Board, Member Hoglander served as a Legislative Specialist in the office of Congressman John Tierney of Massachusetts. His responsibilities included: Transportation (aviation, rail and maritime), Labor, Defense and Veterans Affairs.

Member Hoglander has an extensive background in the aviation industry. He flew as a Captain for Trans World Airline (TWA) and was rated to fly Boeing 707, 727, and 747's. He logged in excess of 20,000 hours of incident free pilot time in his 28-year career with TWA. In 1982, Member Hoglander was elected Master Chairman of TWA's Master Executive Council. Additionally, he was elected Executive Vice-President of the Air Line Pilots Association. After leaving TWA Member Hoglander was named Aviation Labor Representative to the United States Bi-Lateral Negotiating Team by then Secretary of State James Baker. He was deeply involved in the prevention of the introduction of "Cabotage" into the "Open Skies" aviation agreements.

Member Hoglander is a decorated, retired member of the United States Air Force. He enlisted in the Air Force and served as a gunner in a B-29 in the Korean War. Upon his return, with help from the GI bill, Harry earned his undergraduate degree and a commission in the US Air Force. He served with distinction in multiple active duty assignments. After leaving the Air Force, Harry joined the Massachusetts Air National Guard and qualified to fly both Jet Fighters and Bombers. He was appointed the director of plans for the 102nd Air Wing and retired as a Lieutenant Colonel.

Member Hoglander graduated from Suffolk University Law School and is a member of the Florida Bar.

**OFFICE OF THE CHIEF OF STAFF**

**Benetta Mansfield, Chief of Staff**

Benetta Mansfield assumed the office of NMB Chief of Staff on March 10, 2002. She joined the Board as a Senior Hearing Officer in March, 1999, and was selected as Deputy Chief of Staff in May, 2000. She was named Transportation Lawyer of the Year by the Federal Bar Association in 2001.

As Chief of Staff, Ms Mansfield is the top career-management official responsible for NMB's integrated labor-management dispute resolution process under the RLA.

For the four years preceding her employment at the Board, Ms Mansfield served in various capacities at the Office of the Election Officer for the International Brotherhood of Teamsters. This office oversaw the election of International officers pursuant to a 1989 Consent Order. In 1997, Ms Mansfield was appointed to serve as Interim Election Officer and then Deputy Election Officer by the United States District Court for the Southern District of New York. In that capacity, she supervised a large staff of attorneys and labor experts throughout the United States and Canada.

From 1984-1995, Ms Mansfield served as in-house counsel to the Amalgamated Transit Union, a labor organization representing bus and light rail operators and mechanics. In that capacity, she handled a wide range of labor law activities, from negotiation to litigation on representation and other issues. Ms Mansfield also arbitrated cases for the union and negotiated labor agreements and labor protective agreements for transit workers.

She earned her J.D. degree from the Northeastern University School of Law in 1978, was a Ford Foundation Fellow in Political Science at the University of Minnesota, and graduated Phi Beta Kappa from Johns Hopkins University in 1974. Ms Mansfield is admitted to the United States Supreme Court, District of Columbia and Wisconsin bars, and is a member of the American Bar Association and the Industrial Relations Research Association.

#### **Larry Gibbons, Deputy Chief of Staff – Mediation**

Larry Gibbons was named Deputy Chief of Staff for Mediation on April 22, 2002. He joined the Board in September, 1997, serving as a Senior Mediator responsible for the administration of mediation cases in the airline and railroad industries. As a Senior Mediator, he also remained active as a mediator in airline and railroad cases, and as a facilitator in ADR

cases. Beginning on March 10, 2002, he briefly served as the Acting Deputy Chief of Staff.

Mr. Gibbons assists the Chief of Staff by directly managing the Board's mediation function, and by working at the Chief of Staff's direction with all of the Board's mission areas. At the direction of the Chief of Staff, and in concert with the Deputy Chief of Staff for Development and Technology, he performs trouble-shooting in areas of special concern, represents the COS in various forums, acts for the Chief of Staff when designated to do so, and carries out a variety of special projects.

Mr. Gibbons has more than 30 years of experience in personnel and labor relations, practicing under both the National Labor Relations Act and Railway Labor Act. Prior to joining the NMB, he headed Human Resources and Labor Relations with ABX Air, Inc. (Airborne Express) for 12 years and for two years was an independent labor relations consultant. He is a past President and Member of the AIRCON Executive Board.

Mr. Gibbons earned a Bachelor of Science degree in Journalism from Ohio University, and he served as an officer in the United States Army.

#### **Daniel Rainey, Deputy Chief of Staff – Development & Technology**

Daniel Rainey was named Deputy Chief of Staff for Development and Technology in April, 2002. He also serves as the NMB's Ombudsman. He joined the Board in April, 2001, as Director of Program Development and Outreach.

Mr. Rainey has administrative responsibility for the Board's staff development and program development functions, the Board's research program, and the Board's public information/public affairs program. At the Chief of Staff's direction, he works with all of the Board's mission areas to enhance development efforts for individuals and programs.

Working with the NMB's Chief Information Officer, he has responsibility for the application of technology to the Board's mission areas.

He also provides Interest Based Bargaining training and facilitation for parties in the airline and railroad industries, and, working with the Senior Mediator-ADR, he works to develop and extend the Board's alternative dispute resolution program.

At the direction of the Chief of Staff, and in concert with the Deputy Chief of Staff for Mediation, he performs trouble-shooting in areas of special concern, represents the COS in various forums, and acts for the Chief of Staff when designated to do so.

For five years immediately before coming to the Board, he was the President of Holistic Solutions, Inc., an independent, Virginia-based consulting firm specializing in conflict management, including mediation,

facilitation, and training. In the early 1990's he was the Senior Vice President of J. Cooper & Associates, a Washington, DC, firm engaged in alternative dispute resolution program design and delivery. From 1978 through 1990 he was a faculty member at George Mason University in Fairfax, Virginia.

He is a member of the Association for Conflict Resolution (ACR, formerly SPIDR), the Virginia Association for Conflict Resolution (VA-ACR, formerly the Virginia Society of Professionals in Dispute Resolution), and the Industrial Relations Research Association (IRRA). He is also a member of the Association of Labor Relations Agencies (ALRA) Professional Development Committee.

<p><b>AGENCY DIRECTORS AND SENIOR MEDIATORS</b></p> <p><b>Mary L. Johnson</b> Acting Director*, Office of Legal Affairs</p> <p><b>June D. W. King</b> Chief Financial Officer, Chief Information Officer</p> <p><b>Les A. Parmelee</b> Senior Mediator</p> <p><b>Linda Puchala</b> Senior Mediator (ADR)</p> <p><b>Patricia Sims</b> Senior Mediator</p> <p><b>Roland Watkins</b> Director Arbitration Services</p> <p><i>* Appointed General Counsel on December 15, 2002</i></p>	<p><b>Libby Angelopoulos</b> Paralegal Specialist</p> <p><b>Judy Femi</b> Freedom of Information Officer</p> <p><b>Robin Stein</b> Paralegal Specialist</p> <p><b>MEDIATORS</b></p> <p><b>Terri Brown</b></p> <p><b>Samuel Cognata</b></p> <p><b>Rich Frey</b></p> <p><b>Richard Hanusz</b></p> <p><b>Denise Hedges</b></p> <p><b>Zachery Jones</b></p> <p><b>Jack Kane</b></p> <p><b>Brad Laslett</b></p> <p><b>Fred Leif</b></p> <p><b>John Livingood</b></p> <p><b>Gale Oppenberg</b></p> <p><b>Laurette Piculin</b></p>	<p><b>STAFF, OFFICE OF CHIEF OF STAFF</b></p> <p><b>Joyce K. Blackwell</b> Special Assistant to the Chief of Staff</p> <p><b>Joyce Beech</b> Administrative Assistant</p> <p><b>Anita Bonds</b> Administrative Assistant (Mediation Support)</p> <p><b>Eric Weems</b> Paralegal Specialist (Mediation Coordinator)</p> <p><b>STAFF, ARBITRATION</b></p> <p><b>Carol Conrad</b> Lead Program Assistant</p> <p><b>Linda Gathings*</b> Arbitration Assistant</p> <p><b>Carolyn Washington</b> Administrative Assistant</p> <p><b>Kimberly Ybanez*</b> Arbitration Assistant</p> <p><i>* Chicago Office</i></p>	<p><b>Ernest Ghameshoughy</b> Student Trainee</p> <p><b>Florine Kellogg</b> Administrative Support Assistant</p> <p><b>Grace Ann Leach</b> Lead Administrative Services Specialist</p> <p><b>Sharon Matthews</b> Travel and Accounting Assistant</p> <p><b>Larry B. Slagle</b> Human Resources Contractor</p> <p><b>Janice Smith-Sphinx</b> Lead Financial and Purchasing Specialist</p>
<p><b>COUNSEL AND STAFF, OFFICE OF LEGAL AFFAIRS</b></p> <p><b>Sean J. Rogers</b> Senior Counsel</p> <p><b>Eileen M. Hennessey</b> Counsel</p> <p><b>Susanna Pequignot</b> Counsel</p> <p><b>Jennifer Rosenthal</b> Legal Intern</p>	<p><b>BOARD MEMBER CAS</b></p> <p><b>Barbara Casey</b> Confidential Assistant to Chairman Duggan</p> <p><b>Anne Woodson</b> Confidential Assistant to Member Fitzmaurice</p> <p><b>John Looney</b> Confidential Assistant to Member HogLander</p>	<p><b>STAFF, FINANCE AND ADMINISTRATION</b></p> <p><b>Cynthia Carver</b> Accountant</p> <p><b>Shawn Fogleman</b> IT Contractor</p>	<p><b>STAFF, DEVELOPMENT AND TECHNOLOGY</b></p> <p><b>Rachel Barbour</b> Mediation Research Specialist</p> <p><b>Susan Brown</b> Student Trainee</p> <p><b>Annie Kearney (retired)</b> Records Officer</p> <p><b>Donald West</b> Public Information Officer</p>

## MISSION STATEMENT

THE NATIONAL MEDIATION BOARD (NMB), ESTABLISHED BY THE 1934 AMENDMENTS TO THE RAILWAY LABOR ACT (RLA) OF 1926, IS AN INDEPENDENT AGENCY PERFORMING A CENTRAL ROLE IN FACILITATING HARMONIOUS LABOR-MANAGEMENT RELATIONS WITHIN TWO OF THE NATION'S KEY TRANSPORTATION SECTORS — THE RAILROADS AND AIRLINES. PURSUANT TO THE RLA, NMB PROGRAMS PROVIDE AN INTEGRATED DISPUTE RESOLUTION PROCESS THAT EFFECTIVELY MEETS THE NMB'S STATUTORY MANDATE TO MINIMIZE WORK STOPPAGES IN THE RAILROAD AND AIRLINE INDUSTRIES BY SECURING VOLUNTARY AGREEMENTS. THE NMB'S INTEGRATED PROCESSES ARE DESIGNED TO PROMOTE THREE GOALS:

- THE PROMPT AND ORDERLY RESOLUTION OF DISPUTES ARISING OUT OF THE NEGOTIATION OF NEW OR REVISED COLLECTIVE BARGAINING AGREEMENTS;
- THE EFFECTUATION OF EMPLOYEE RIGHTS OF SELF-ORGANIZATION WHERE A REPRESENTATION DISPUTE EXISTS, AND;
- THE PROMPT AND ORDERLY RESOLUTION OF DISPUTES OVER THE INTERPRETATION OR APPLICATION OF EXISTING AGREEMENTS.

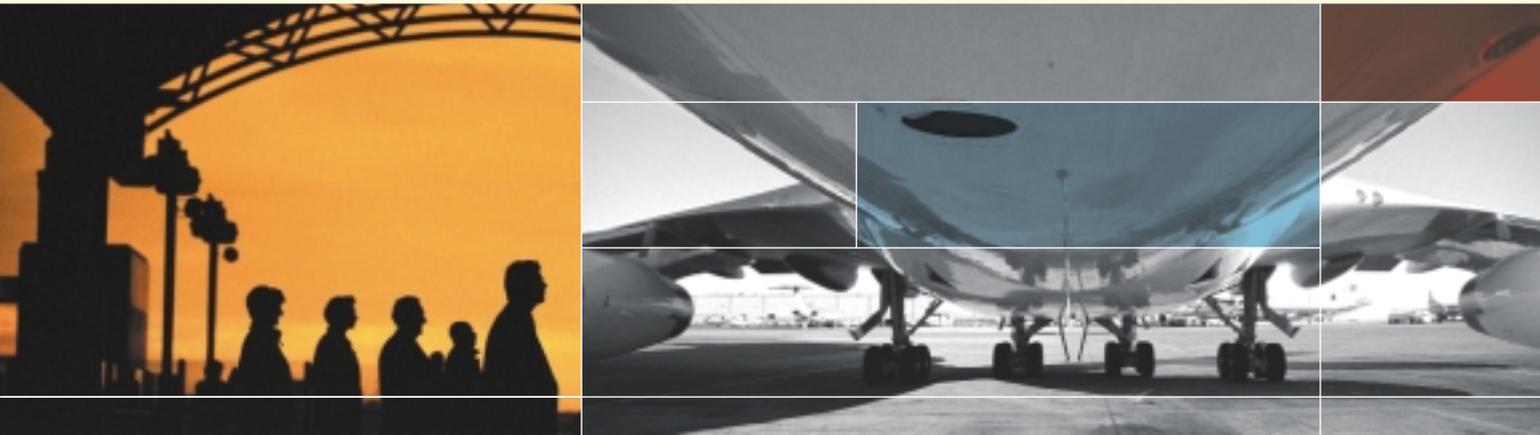
## FINANCIAL STATEMENT FY2002

In fiscal year 2002, the Congress appropriated \$10,635,000, less an \$8,000 rescission reducing the appropriation to \$10,627,000.

EXPENSES AND OBLIGATIONS	2002 ACTUAL
PERSONNEL COMPENSATION	\$ 6,147,265
PERSONNEL BENEFITS	972,841
BENEFITS FOR FORMER PERSONNEL	22,680
TRAVEL AND TRANSPORTATION OF PERSONS	634,173
TRANSPORTATION OF THINGS	49,764
RENT, COMMUNICATIONS AND UTILITIES	1,192,655
PRINTING AND REPRODUCTION	70,678
OTHER SERVICES	784,323
SUPPLIES AND MATERIALS	166,806
EQUIPMENT	146,559
UNVOUCHERED	31,639
<b>SUB TOTAL</b>	<b>\$ 10,219,383</b>
UNOBLIGATED BALANCE EXPIRING	\$ 407,617
<b>TOTAL</b>	<b>\$ 10,627,000</b>

# THE RAILWAY LABOR ACT AND NATIONAL MEDIATION BOARD FUNCTIONS

THE RAILWAY LABOR ACT (RLA) PROVIDES A COMPREHENSIVE STATUTORY FRAMEWORK FOR THE RESOLUTION OF LABOR-MANAGEMENT DISPUTES IN THE AIRLINE AND RAILROAD INDUSTRIES. ENACTED IN 1926 AS A COLLABORATIVE EFFORT OF LABOR AND MANAGEMENT, THE RLA SUCCEEDED SEVERAL PREVIOUS FEDERAL STATUTES DATING BACK TO 1888. THE 1926 ACT PROVIDED FOR MANDATORY MEDIATION AND VOLUNTARY ARBITRATION IN CONTRACT NEGOTIATIONS, AS WELL AS FOR PRESIDENTIAL EMERGENCY BOARDS (PEBS) TO ENHANCE DISPUTE RESOLUTION. KEY AMENDMENTS TO THE ACT IN 1934 ESTABLISHED THE CURRENT THREE-MEMBER NATIONAL MEDIATION BOARD (NMB) AND AUTHORIZED THE NMB TO RESOLVE EMPLOYEE REPRESENTATION DISPUTES. IN 1936, THE RLA'S JURISDICTION WAS EXPANDED TO INCLUDE THE AIRLINE INDUSTRY. THE ACT'S MOST RECENT SUBSTANTIVE AMENDMENT, IN 1981, PERMITTED THE CREATION OF SPECIALIZED PRESIDENTIAL EMERGENCY BOARDS (PEBS) FOR DISPUTES AT CERTAIN COMMUTER RAILROADS.



The RLA has five “general purposes” (listed in the order specified by the Act):

- Avoid interruptions to interstate commerce in the airline and railroad industries;
- Ensure the right of employees to freely determine whether they wish to be represented for collective bargaining purposes;
- Ensure the independence of labor and management for self-organization to carry out the purposes of the Act;
- Provide for the prompt and orderly settlement of collective bargaining disputes; and
- Provide for the prompt and orderly settlement of disputes over the interpretation of existing collective bargaining agreements.

#### **MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION**

The RLA requires labor and management to make every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties must give notice to each other of proposals for new or

revised agreements. Direct bargaining between the parties must commence promptly and continue in an effort to resolve or narrow differences. Should the parties fail to reach agreement during direct negotiations, either party, or the parties jointly, may apply to the Board for mediation.

An application for the NMB’s mediation services may be obtained from the Board’s website at [www.nmb.gov](http://www.nmb.gov).

Following receipt of an application, the NMB will promptly assign a mediator to assist the parties in reaching an agreement. The Board is obligated under the Act to use its “best efforts” to bring about a peaceful resolution of the dispute. The NMB mediators apply a variety of dispute resolution techniques, including traditional mediation, interest-based problem solving, and facilitation, to resolve the dispute.

If after such efforts the Board determines that mediation will not settle the dispute, the NMB advises the parties of that determination and offers arbitration (proffer of arbitration) as an alternative approach to resolve the remaining issues. If either party rejects this offer of arbitration, the Board promptly releases

the parties from formal mediation. This release triggers a thirty-day cooling off period. During this thirty-day period, the Board will continue to work with the parties to achieve a mutually agreeable solution to the dispute. However, if an agreement has not been reached by the end of the thirty-day period, the parties are free to exercise lawful self-help. Examples of lawful self-help include carrier-imposed working conditions or lock-outs, or strikes and other job actions by the union.

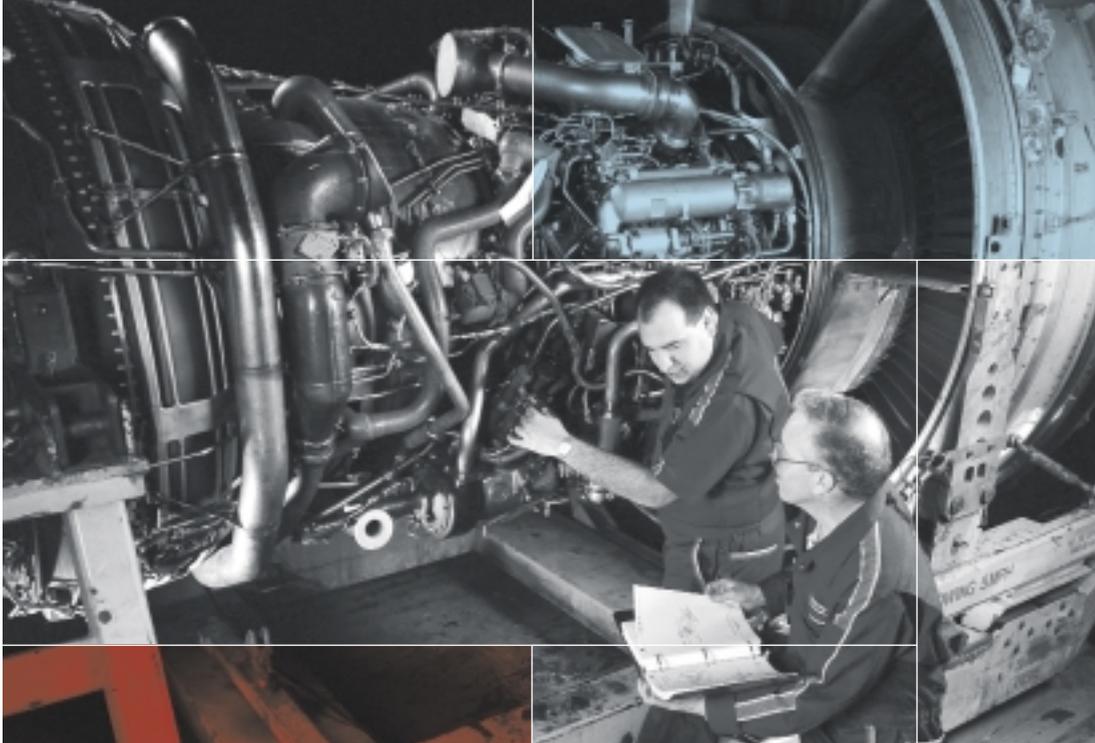
In addition to traditional mediation services, the NMB also provides, as resources and staff permit, Alternative Dispute Resolution (ADR) services. ADR services include pre-mediation facilitation, training and grievance mediation. The purpose of the Board's ADR program is to assist the parties in learning and applying more constructive, less confrontational methods for resolving disputes. Another goal is to help the parties resolve more of their own disputes without outside intervention. The Board believes that its ADR services, over time, will reduce and narrow the disputes which the parties bring to mediation.

### **INTEREST ARBITRATION**

Interest arbitration is a process used to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations. The RLA makes interest arbitration an option for resolving disputes, not a requirement. The NMB offers the parties the opportunity to use interest arbitration when the Board has determined that further mediation efforts will be unsuccessful. In situations where the parties have agreed to use interest arbitration, the arbitrator's award is final and binding with very narrow grounds for judicial review. This option is rarely exercised by the parties.

### **PRESIDENTIAL EMERGENCY BOARDS**

The RLA authorizes the NMB to recommend the establishment of a Presidential Emergency Board (PEB) to investigate and report on a collective bargaining dispute which threatens "substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service." A PEB also may be requested by



any party involved in a dispute affecting a publicly funded and operated commuter railroad. While either of these emergency board processes is underway, the parties are required to maintain the status quo and neither party to the dispute may exercise self-help which could involve a disruption of service.

## **REPRESENTATION**

Under the RLA, employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining without “interference, influence or coercion” by the carrier. Employees may also decline representation. The RLA’s representation unit is a “craft or class,” which consists of the overall grouping of employees performing the particular types of related duties and functions. The selection of employee representatives for collective bargaining is accomplished on a system-wide basis, which includes all employees in the craft or class anywhere the carrier operates in the United States.

When a labor organization, or individual, files an application with the NMB to represent employees, the Board assigns an investigator. The investigator assigned to the case has the responsibility to determine if the craft or class the applicant seeks to represent is system-wide and otherwise valid. The NMB’s election procedures require that the application must be supported by a sufficient showing of interest by the employees to warrant continuing the investigation. Where the employees are not currently represented for collective bargaining purposes, a thirty-five percent showing is required. If the craft or class covered by the application already is represented and a collective bargaining agreement is in effect, the showing of interest requirement is a majority of the craft or class members.

Should the applicant meet the showing of interest requirement, the NMB will continue the investigation, usually with a secret ballot election. Only employees found eligible to vote by the NMB are permitted to participate in the election. In order for a representative to be certified, a majority of the eligible voters must cast valid ballots in support of representation. The Board is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, the Board issues a certification of that result, which commences the

carrier’s statutory duty to bargain with the certified representative.

An application for a representation investigation may be obtained from the Board’s website at [www.nmb.gov](http://www.nmb.gov).

Throughout FY2001, the NMB planned for and tested a new method of conducting representation elections, using a process known as Telephone Electronic Voting (TEV). In the TEV process voters in the craft or class use two secret passwords to cast ballots by telephone instead of using mail-in paper ballots. The system, inaugurated by the NMB in October, 2002, is very secure and accurate, and its use is expected to save the agency a substantial amount of staff time and expense.

## **ARBITRATION**

In addition to the interest arbitration the NMB offers to parties in contract negotiations, the RLA provides for the use of grievance arbitration to resolve issues arising under existing contracts. Grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA. In the railroad industry, the NMB has significant administrative responsibilities for the three grievance-arbitration forums contemplated under the RLA: the National Railroad Adjustment Board (NRAB), Special Boards of Adjustment (SBAs) and Public Law Boards (PLBs). The NRAB and its four divisions have statutory jurisdiction over all rail carriers and all crafts and classes of railroad employees. SBAs are created by mutual agreement of the parties, and PLBs are established on individual railroads upon the written request of either party to a dispute.

Grievance arbitration in the airline industry is accomplished at the various system boards of adjustment created jointly by labor and management. The NMB furnishes panels of prospective arbitrators for the parties’ selection in both the airline and railroad industries. The NMB also has substantial financial management responsibilities for railroad arbitration proceedings. Arbitration decisions under the RLA are final and binding with very limited grounds for judicial review.

A request to be placed on the NMB’s Roster of Arbitrators may be obtained from the Board’s website at [www.nmb.gov](http://www.nmb.gov).



# MEDIATION/ALTERNATIVE DISPUTE RESOLUTION (ADR)

DURING THIS FISCAL YEAR THE NMB'S MEDIATION AND ADR PROGRAMS ONCE AGAIN DELIVERED OUTSTANDING SERVICE TO THE AIRLINE AND RAILROAD INDUSTRIES, AND TO THE PUBLIC. IN A YEAR IN WHICH THE AIRLINE INDUSTRY CONTINUED TO SUFFER ECONOMIC LOSSES IN THE WAKE OF TERRORIST ATTACKS AND THE CONTINUED OVERALL UNCERTAINTY OF THE GENERAL ECONOMY OF THE COUNTRY, THE BOARD'S MEDIATORS WERE CHALLENGED TO A HIGH DEGREE TO ASSIST THE PARTIES IN REACHING SETTLEMENTS THAT ADDRESSED THEIR RESPECTIVE CONSTITUENTS' VARIED INTERESTS.





As the mediation performance figures show, the NMB was again very successful in meeting its customer service goals. More important, the Board's overall performance reinforced the stability of the mediation process and the reliability of its approach to labor-management disputes.

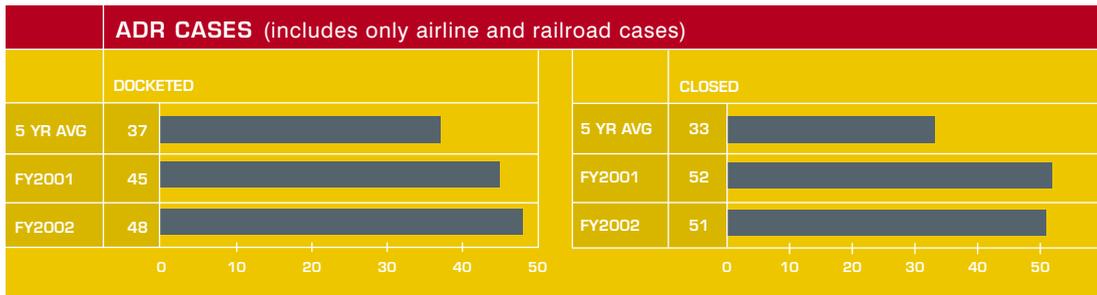
It is important to note that the NMB's performance relative to its customer service goals may vary from year to year for reasons beyond the control of the Agency. The NMB's overriding responsibility is to manage mediation cases effectively, aiming for voluntary agreements without work stoppages. To that end, the NMB does not blindly adhere to the constraints of customer service goals in any mediation case in which a party's tactics are inconsistent with the RLA's direction to make all reasonable efforts to make and maintain agreements.

The mediation case intake and closure rates for FY2002 fell below those of FY2001 and the five year averages (1997-2001). This result is directly attributable to the aftermath of the 9/11/01 terrorist attacks, when many airlines and their unions deferred the

commencement of direct negotiations and/or filing for mediation. However, ADR case intake activity was a bright spot, with more parties seeking alternative means to work through their issues. In FY2002, 48 ADR cases were docketed, which is a 7 percent increase over FY2001 and a 30 percent increase over our five year average. The ADR closure rate was about the same as for FY2001 and 54 percent higher than the five year average.

The five year average of New Cases Docketed is 110 cases: in FY2002, the Board docketed 92 new cases, falling below the five year average by 16 percent. Even though the case intake in FY2002 was well below prior years, the Board closed 110 cases, only 6 percent less than the 117 cases closed in FY2001 and only 9 percent less than the five year average of 121 cases closed. As a result of the Mediators' continued high productivity, the NMB once again closed more cases than it docketed. Cases pending at year end decreased to 69, 43 percent lower than the five year average of 121 cases.

Even with the contentious negotiating environment



caused by an uncertain economy, the Board met or exceeded its baselines in most of the established customer service standards.

The goals for timely response to mediation applications, timely assignment of mediators, timely initial contact with the parties, and timely establishment of the first mediation session, significantly exceeded the baselines. These are important goals that relate directly to the expeditious handling of cases once they come to the Board.

In FY2001, the NMB adopted two new mediation goals. The Board established a goal of reaching agreements after no more than 45 days of mediation meetings and a goal for reaching agreements within 365 days of case docketing. In FY2002 the Agency achieved a 93 percent success rate in closing cases after 45 days of mediation or less, compared to a 96 percent success rate in FY2001. In FY2002, the Agency brought 80 percent of cases to closure in 365 days or less, compared with a 58 percent success rate in FY2001. Cases docketed before the new goals became effective in FY2001 are excluded in these calculations. These goals are important and also relate to the expeditious handling of cases for parties in both industries. Any review of the agency's success rate in achieving these goals, however, should be tempered by the knowledge that many factors, external to the Board and outside the Board's control, routinely affect the amount of time that it takes to reach agreements. The state of the industries as a whole, the state of labor relations between the union and the carrier, and the history of negotiations before the parties come to the Board, all directly affect the amount of time that cases remain active. Even with these outside influences, however, the success rate in moving cases through the system is remarkable.

### HIGHLIGHTS DURING FISCAL YEAR 2002

In FY2002, the railroad industry continued to experience lower overall profitability and the airline industry continued to suffer widespread losses during the aftermath of the September 11th terrorist attacks. A continued slow economy lowered revenue in both industries, although Class I railroads were seeing a rebound at the end of the fiscal year. The airline's economic problems were compounded by a reluctance of the public to fly, and rising costs due to increased security measures. Airline labor costs, especially on the major carriers, continued to rise due in part to new contract settlements covering United Airlines mechanics, fleet and passenger service groups, and the contractual increases negotiated in FY2000 and 2001 at the other major carriers. The same problems that affected the industry at the end of FY2001 continued as capacity trends were down across the industry, fares fell, and business travel failed to rebound.

By contrast, the rail industry did not experience the same level of volatility. Profits softened for the freight railroads, but labor disputes did not disrupt operations or significantly lower profits. The National Carrier Conference Committee (NCCC) reached a national agreement with the United Transportation Union (UTU) in FY2002 and was close to reaching agreement with the Transportation, Communications International Union (TCU). Amtrak was plagued with budget problems as it struggled to obtain sufficient funding to stay in business. With most of its labor agreements open for negotiations but on hold pending funding, Amtrak will present a challenge to the Board's mediators for FY2003.

**Cooling-off Periods and Self-help Activity.** The events of September 11, 2001, and the economic



downturn that followed had a significant impact on the way the parties bargained during FY2002. Unlike the unprecedented number of proffers of arbitration and cooling of periods seen during FY2001, in FY2002 only one major airline entered into a 30 day cooling off period and subsequently a Presidential Emergency Board (PEB). United Airlines and their mechanics represented by the International Association of Machinists (IAM) were finally able to reach agreement without a work stoppage in February after the IAM rejected the recommendations of the PEB. In addition to United, it took the Board’s action of a proffer of arbitration and subsequent cooling off period for Atlas Air and its pilots, represented by the Airline Pilots Association (ALPA), to reach an agreement. In the case involving Midwest Express and its flight attendants, represented by the Association of Flight Attendants (AFA), the parties failed to reach agreement during the cooling off period, but successfully reached a mediated agreement after the cooling-off period expired.

Collective bargaining in the rail sector experienced another year of relative calm and the Board did not have to resort to a proffer of arbitration in any rail mediation case.

**Settlements.** Overall in FY2002, the Board closed 100 percent of its mediated cases by voluntary agreement without a strike or the exercise of other legal self-help. While the cases being handled by the mediators fell below the level of recent years, the complexity of the cases increased due to factors previously mentioned. Thus the NMB’s actual mediation and facilitation activities remained at an intense level, challenging our resources more than the number of cases would indicate.

The list of air carriers and organizations reaching agreements with the Board’s assistance but without an

economic confrontation is significant, and includes: United Airlines/IAM (mechanics, fleet and passenger service), Air Wisconsin/IAM (passenger service), Allegheny Airlines/IBT (fleet and passenger service), Hawaii Airlines/IAM (mechanics and office clerical), Mesaba Airlines/AFA (flight attendants), PSA Airlines/ALPA (pilots), Gulf Steam Airlines/IBT (pilots), Grand Air Express/IBT (pilots), Spirit Airlines/TWU (flight dispatchers), COMAIR/IBT (flight Attendants), and Sun Country Airlines/ALPA (pilots), to name a few.

In the rail industry, the NMB helped the parties reach agreements on the national level as well as among the short line and regional railroads. These successes include: NCCC/UTU, Delaware and Hudson Railroad/ BMW and UTU, Kansas City Southern Railroad/ BMW, Lake Terminal Railroad/ UTU, York Railroad/ BMW and UTU, and Canadian Pacific Railroad/ BMW.

Additionally, the Commuter railroads (Metro North and Port Authority Trans Hudson) reached agreements involving the IBEW and ATDD, respectively.

**ADR Services.** During FY2002, the Board continued to make significant progress in moving parties toward more constructive dialogue through its training, facilitation, and grievance mediation services. The Board provided training and facilitation services to major and regional airlines, Class 1 and regional railroads, and the unions representing airline and railroad employees. During FY2002, the Board also provided facilitation services to help parties reach agreements on issues not related to grievances or normal bargaining. These services included work with Southwest Airlines/Southwest Airline Pilot Association (SWAPA) (pilots), Atlantic Southeast Airlines/AFA (flight attendants), and Horizon Airlines/IBT (pilots).

Other airlines who availed themselves of the Board's IBB services included Frontier Airlines/IBT (pilots and mechanics), Horizon Airlines/AFA (flight attendants), PSA Airlines/AFA (flight attendants), and Miami Air/AFA (flight attendants).

Although the railroad industry in general continues to be slow to embrace the use of ADR, the Board continues, through forums including the Wage and Work Rule panel established by the UTU and the NCCC, and on-property presentations, to make inroads. Significant efforts in the railroad area include the use of IBB to facilitate contract bargaining with the BNSF/ATDD, CSXT/ATDD, Canadian National Railroad/UTU, and NICTD/UTU/ATDD. The Board also provided facilitation services on issues not related to normal bargaining to CSXT/ATDD.

For the first time in the rail industry two parties (CSXT and its Yardmasters, represented by the UTU) negotiated a complete contract, reached a tentative agreement, and subsequently had the tentative agreement ratified, totally through the use of Interest Based Bargaining (IBB), without engaging in traditional mediation. This effort was begun by training the parties through the Board's normal ADR training program, then assisting with IBB facilitation throughout the contract negotiation process.

In addition to training and facilitation services associated with Section 6 bargaining, the Board provided training and grievance mediation services which resulted in a reduction of the number of grievance cases going to arbitration or the bargaining table. The carriers and unions involved in grievance mediation include Atlantic Southeast Airlines/ALPA (pilots), Horizon/AFA (flight attendants), Express Air/ALPA (pilots), DHL/ALPA (pilots), Union Pacific Railroad/BLE (engineers), Express I/PACE (flight attendants), and PSA/AFA (flight attendants).

#### **Regulatory & Congressional Developments.**

Following the terrorists attacks of September 11, 2001, Congress established the Air Transport Stabilization Board (ATSB) in order to assist the struggling airline industry. Airlines received funding based on losses during the shut down of all commercial air traffic immediately after September 11. Additionally, Congress provided for a \$10 billion loan program to help stave off Chapter 11 filings in the industry. By the end of the

fiscal year, America West Airlines had its application approved; a US Airways loan was conditionally approved; and Frontier Airlines and Vanguard Airlines had their applications rejected. Applications were pending from United Airlines, Aloha Airlines, American Trans Air, Evergreen International, National Airlines, Spirit Airlines, and World Airlines. In seeking its loan, USAirways was successful in getting concessions from its pilots, represented by ALPA, and its flight attendants, represented by AFA, prior to filing for bankruptcy protection. After filing for bankruptcy protection, USAirways was successful in reaching concession agreements with its other union-represented employee groups. United Airlines continued to struggle to gain necessary concessions from its labor unions in an attempt to avoid a similar filing and, at the end of the fiscal year, had tentatively reached concession agreements with its pilots, represented by ALPA, and its flight attendants, represented by AFA.

There was no merger activity in the airline industry during FY2002, in large part due to the economic environment. In the rail industry, the Surface Transportation Board (STB), in the face of union objections, approved the sale and merger of the I&M Rail Link to the Dakota, Minnesota and Eastern Railroad.

**Union Affairs.** During FY2002, the Federal Express Pilots re-affiliated with ALPA. The battle between AMFA, an independent union, and member unions of the AFL-CIO continued with AMFA taking the mechanics representation away from the TWU at Horizon Airlines. The AFA lost a representation election covering Delta Airlines flight attendants, the only major flight attendant group not represented by a union, but charges of election interference were pending before the Board at the end of the fiscal year.

During FY2002, the struggle between the UTU and the BLE, after a failed merger attempt, continued. The UTU filed a petition with the Board seeking the combining of two crafts and classes on the Kansas City Southern Railroad. The Board dismissed the application, finding separate craft and classes proper at this time. The UTU and the BLE are also locked in an arbitration over the remote control device used to move some engines in switching yards. The major railroads signed a letter of agreement with the UTU allowing them to use the devices, and the BLE is challenging the

agreement in a tripartite arbitration due to take place in January, 2003.

**Center for Advanced Study of Law and Dispute Resolution Processes.** Since the inception of the Center for Advanced Study of Law and Dispute Resolution Processes, the NMB has had an employee involved in its operations. The Center was established as an experiment, seeking better ways to provide specialized education in the law and practice of dispute resolution. A number of educational programs, including conferences, seminars, workshops and internships, have been offered or sponsored by the Center to advance alternative dispute resolution approaches.

In August 2001, the Alliance for Education in Dispute Resolution admitted the Center as an Alliance member. The Alliance includes nine other institutions with nationally recognized ADR programs, including Ohio State, UCLA, Cornell, and Pepperdine.

During FY2002, the Center co-sponsored the American Law Institute-American Bar Association's Seminar on Airline and Railway Labor Law, and offered internships. During FY2003 the Board and the university will assess the performance of the Center, compare the goals that were set for the Center at its creation with its achievements, and discuss the Center's future.

**Pending Cases.** At the end of FY2002, several significant cases remained in mediation. The aircraft mechanics represented by the IBT at Southwest Airlines, Continental Airlines, and UPS were all in mediation but drawing closer to agreement. Other significant cases in mediation at the close of the fiscal year included American Airlines/APA (pilots), America West/ALPA (pilots), Airborne Express/IBT (pilots), World Airlines/IBT (flight attendants), Mesaba/ALPA (pilots), Mesa Air/ALPA (pilots), and Allegheny/AFA (flight attendants). All of these cases are proving to be extremely difficult given the current economic environment.

In the rail industry, the NCCC remained in mediation with many of its smaller units. After the UTU agreement successfully ratified, the remaining cases began moving forward towards settlement. Included in this group are the BRS, IAM, IBEW, and TCU. AMTRAK is in mediation with the IBEW, BRS and IAM. While AMTRAK

traditionally follows a pattern set by the NCCC, their current funding situation will cause unique problems in reaching settlement.

#### **FORECAST FOR FY2003, FY2004 AND BEYOND**

It is always a challenge to specifically forecast which disputes may require the mediation services of the NMB in the upcoming fiscal years. Additionally, the uncertain economic times following 9/11/01 have led some carriers and unions, such as Northwest and its pilots, to agree to short term contract extensions versus entering into full section 6 negotiations.

In the airline industry, several key contracts are either currently open for negotiation or become amendable between now and the end of FY2004. These contracts include: Continental and Continental Express/ALPA (pilots), Alaska Airlines/AMFA (mechanics), Northwest Airlines/IAM (fleet and passenger service), Mesaba/AMFA (mechanics), DHL/ALPA (pilots), FEDEX/ALPA (pilots), Comair/IAM (mechanics), and USAirways/IAM (mechanics and fleet service).

In the rail industry, National Handling and AMTRAK will continue to be a major focus of the Board. The regional railroads will continue to negotiate new contracts as settlements are reached on the Class I railroads. In the commuter rail industry, Metro North, SEPTA, PATH and New Jersey Transit will bargain with all of their unions.

In summary, FY2003 and FY2004 will be challenging years, with an increase of mediation cases back to levels seen in the past, and will likely tax agency resources to the limits.

Compared to the activity for FY2002, the Board projects the activity in mediation cases to rebound in the coming fiscal years and ADR cases to remain at a consistent level. Overall, the Agency projects that both FY2003 and FY2004 will see 120 new mediation/ADR cases. This estimate is consistent with the five year average, the activity we saw in FY2001, and the anticipated negotiations projected in the next two years based on amendable dates. Assuming the current high rate of mediator productivity, the NMB should meet all of its mediation performance plan goals.



# REPRESENTATION

DURING FY2002, THE NMB'S REPRESENTATION STAFF CONTINUED TO OPERATE AT A HIGH LEVEL OF QUALITY AND EFFICIENCY. AS A REVIEW OF CUSTOMER SERVICE STANDARDS AND PERFORMANCE WILL ATTEST, THE REPRESENTATION PROGRAM'S CONSTANT IMPROVEMENT PROCESS HAS RESULTED IN THE DELIVERY OF OUTSTANDING SERVICES TO THE PARTIES AND THE PUBLIC. THE REPRESENTATION STAFF CLOSED MORE CASES THAN IT DOCKETED DURING THE YEAR (70 CLOSED; 66 RECEIVED). THIS PATTERN OF CASE INTAKE AND CLOSURE IS CONSISTENT WITH THE FIVE YEAR AVERAGE OF CASE ACTIVITY (FY1997-FY2001). AS A RESULT OF THIS PRODUCTIVITY, THE AGENCY HAD ONLY 4 "OLD" CASES PENDING AT THE END OF FY2002, NONE OF WHICH WERE OLDER THAN 180 DAYS. MOREOVER, THE FOUR (4) CASES PENDING AT THE END OF FY2002 IS SUBSTANTIALLY LESS THAN THE EIGHT (8) FOR FY2001 AND THE PREVIOUS FIVE YEAR AVERAGE OF FOURTEEN (14). WITH THE AGENCY RESOURCES REQUESTED FOR FY2003, IT IS PROJECTED THAT CASE CLOSINGS WILL CONTINUE TO BE INVESTIGATED AND RESOLVED AT THIS SAME PACE OVER THE NEXT SEVERAL FISCAL YEARS.





The NMB successfully met or exceeded eight of the nine standards set for representation cases under its FY2002 Annual Performance Plan. Cases are managed using established benchmarks covering the key phases of the Agency's investigation. The benchmarked areas are:

- response to representation applications;
- investigator assignment;
- showing of interest determination;
- timely response following ballot count;
- overall timely resolution;
- timely resolution of interference cases;
- timely resolution of pre-docketing investigations;
- prompt resolution of jurisdictional referrals from the National Labor Relations Board (NLRB); and
- prompt issuance of Board level decisions after receiving a staff recommendation.

Four new Representation customer service standards were established for FY2002:

- board decisions involving allegations of interfer-

ence will be issued within 270 calendar days of docketing;

- pre-docketing investigations will be completed within 180 calendar days following the investigator's assignment to the case;
- jurisdictional opinions will be provided to the NLRB within 180 days from the date the jurisdictional referral from the NLRB headquarters is assigned to an investigator; and
- the Board will endeavor to issue a decision within 35 days after receiving a staff recommendation.

Performance on standards for timely case processing was outstanding during FY2002. In particular, the Board responded to representation applications within three business days in 100 percent of all cases; assigned an Investigator to representation cases within three business days in 100 percent of all cases; determined there was a sufficient showing of interest to authorize an election or dismiss a case within 45 calendar days in 84 percent of all cases; issued certifications or dismissals within the next business day

of ballot counts in 100 percent of all cases; and completed representation investigations within the 90-calendar day goal set for non-appellate cases in 90 percent of all cases.

In addition to timely case handling activity, the Office of Legal Affairs also accomplished several other projects intended to improve customer service. During the year, the agency issued a new Representation Manual after a review to update and clarify the language. The Office of Legal Affairs' biggest project was the development of a new system for representation elections—Telephone Electronic Voting (TEV). TEV is expected to be fully implemented in early FY2003.

By the end of FY2002 the NMB had developed and tested a new voting system that will allow those involved in union representation elections to cast ballots by telephone instead of by the traditional paper mail ballot method. The system is administered by a company with years of experience in electronic voting, and a client list that includes many Fortune 100 and 500 companies, including representatives of the major airlines. The new telephone electronic voting system (TEV) will be inaugurated during the first quarter of FY2003, and should significantly streamline and simplify the voting process. More information about the TEV system can be found on the NMB website, [www.nmb.gov](http://www.nmb.gov).

#### **HIGHLIGHTS DURING FISCAL YEAR 2002**

Under the RLA, the selection of employee representatives for collective bargaining is accomplished on a system wide basis. Due to this requirement, and the employment patterns in the airline and railroad industries, the Board's representation cases frequently involve numerous operating stations across the nation. In many instances, labor and management raise substantial issues relating to the composition of the electorate, jurisdictional challenges, allegations of election interference, and other complex matters which require careful investigation and rulings from the NMB.

Representation disputes involving large numbers of employees usually draw more press attention and are more visible to the public at large than cases involving a small number of employees. However, the Board's Representation staff is committed to ensuring that all cases, large and small, receive a neutral and profes-

sional investigation and thoughtful decisions. The NMB's efforts ensure that employees' choices regarding representation are made without interference, influence or coercion. The case summaries that follow are examples of the varied representation matters which were investigated by the NMB during FY2002.

**Mercy Air Service, Inc./International Association of EMTs and Paramedics.** On February 26, 2001, the International Association of EMTs and Paramedics (IAEP) filed a petition for representation with the National Labor Relations Board (NLRB). On March 7, 2001, the IAEP withdrew its NLRB petition and informed the carrier, Mercy Air Service (Mercy), of its intent to file an application for representation with the National Mediation Board. On March 21, 2001, the IAEP filed an application with the Board. An election was authorized, but the IAEP's application was dismissed when less than a majority of the eligible voters cast votes. On June 28, 2001, the IAEP filed allegations of election interference. IAEP alleged that Mercy sought employees' opinions on changes in pay and benefits, created an atmosphere of intimidation by propagating anti-union sentiment, and made misleading statements about the collective bargaining process. The Board found that IAEP's allegations stated a prima facie case and agreed to conduct a further investigation. The Board's investigation revealed that there was insufficient evidence that Mercy's meetings with employees and anti-union sentiment interfered with the employees' ability to freely choose a bargaining representative. However, the Board found that there was sufficient evidence to establish that Mercy's changes in wages and benefits in April 2001, was linked to the union representation effort, thereby tainting laboratory conditions. On November 5, 2001, the Board authorized a re-run election using a standard ballot.

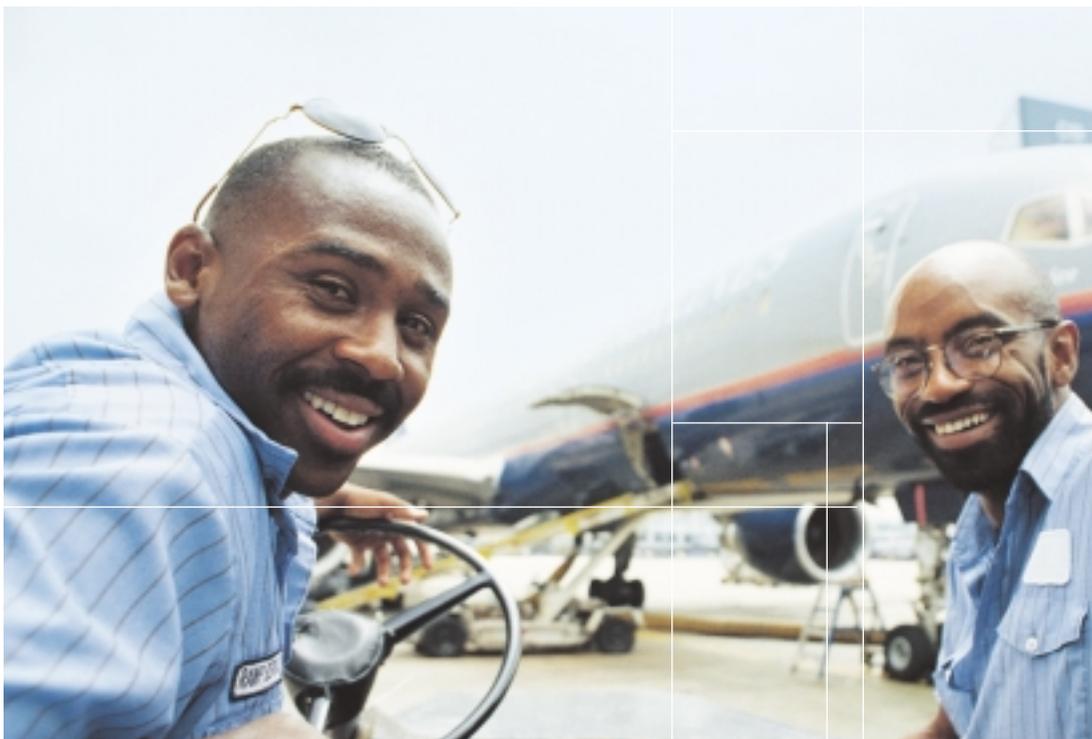
**Allegheny Airlines, Inc., Piedmont Airlines, Inc., Potomac Air, PSA Airlines, Inc./Association of Flight Attendants.** The Association of Flight Attendants (AFA) filed an application with the Board on September 6, 2001, alleging a representation dispute and asserting that Allegheny, Piedmont, Potomac and PSA (collectively, the Carriers) constituted a single transportation system. The Carriers are all part of US Airways Express, which is one of two

groups constituting the US Airways Group. Unlike other independent carriers which make up US Airways Express, these Carriers (Allegheny, Piedmont and PSA) are wholly-owned subsidiaries of US Airways Group. AFA contended that a single transportation system existed among these Carriers because they had integrated essential operations, are commonly owned and controlled, and have interlocking boards of directors. The Board's investigation revealed that a single transportation system did not exist in this case. The Board noted that the individual Carriers handled their own labor relations, and hired their own corporate officers and management team. The Carriers also developed their own training programs, had separate maintenance departments and maintained their own collective bargaining agreements with AFA. As there was insufficient evidence at the time of the investigation to conclude that Allegheny, Piedmont and PSA operated as a single transportation system, AFA's application was dismissed on January 14, 2002. Subsequently, AFA filed

a Motion for Reconsideration on February 13, 2002. The Board granted AFA's Motion, but maintained upon reconsideration that there was insufficient evidence to find that the carriers constituted a single transportation system.

**Mesa Airlines, Inc., CCAir, Inc., Air Midwest, Inc./Air Line Pilots Association.** On December 10, 2001, the Air Line Pilots Association (ALPA) filed an application alleging a representation dispute involving Flight Deck Crewmembers and asserting that Mesa, Air Midwest, and CCAir (collectively, the Carriers) constituted a single transportation system. The Carriers are wholly-owned subsidiaries of Mesa Air Group, Inc. (MAG). At the time of the application, ALPA represented Flight Deck Crew members at each of the three carriers. On May 17, 2002, ALPA asked the Board to broaden its investigation and include Freedom Air as part of the single transportation system. ALPA contended that labor relations, aircraft allocations, and routes for all MAG subsidiaries were centrally coordinated and controlled by MAG officers.





With reference to Mesa, Air Midwest, and CCAir, the Board's investigation revealed that the three carriers constitute a single transportation system. The record established that MAG centralizes financial control of each Carrier, centrally coordinates investment decisions and centralizes its labor relations program. The Board also found that MAG presents itself as a single transportation system to the public, as evidenced by its website. With respect to ALPA's contentions regarding Freedom, the Board found that Freedom had not yet begun revenue flying and therefore was not yet a carrier under the RLA. The Board concluded that for representation purposes under the RLA, Mesa, Air Midwest, and CCAir constitute a single transportation system for the Flight Deck Crew members craft or class.

**American Air Lines, Inc., TWA Airlines, LLC. /Allied Pilots Association, Association of Professional Flight Attendants, Transport Workers Union.** On November 9, 2001 the Allied Pilot's Association (APA) filed an application alleging a representation dispute involving Flight Deck Crew Members at American Airlines (American). APA

asserted that American and TWA Airlines, LLC (TWA-LLC) constitute a single transportation system. On December 12, 2001, the Association of Professional Flight Attendants (APFA) filed an application alleging a representation dispute among the Flight Attendant's craft or class at American and asserted that American and TWA-LLC constitute a single transportation system. On December 13, 2001, the Transport Workers Union (TWU) filed an application among the following crafts or classes at American: Mechanics and Related Employees, Fleet Service Employees, Stock Clerks, Dispatchers, Simulator Technicians, Instructors, Technical Specialists, and Meteorologists. TWU also alleged that American and TWA-LLC are a single transportation system. Upon investigation, the Board found that in each of the above applications American and TWA-LLC were operating as a single transportation system. The Board noted that there was substantial integration of operations, financial control and labor and personnel functions between American and TWA-LLC. The Board also determined that its substantial integration of operations criteria do not

require total integrated operations. In subsequent decisions, the Board addressed the representation consequences which resulted from its finding of a single transportation system for the above crafts or classes. In determining the representation consequences, the Board examined whether the numbers of employees on each part of the system were comparable. The Board consistently extends an organization's certificate to cover employees on the entire system when the number of employees on each part of the system are not comparable. In the case of American and TWA-LLC, the numbers were not comparable. For example, American employed 11, 329 Flight Deck Crew members while TWA-LLC employed only 2,243. Therefore, the Board extinguished the certifications on the smaller part of the system (TWA-LLC) and extended the certifications on the larger part of the system (American) to cover the entire system.

**Delta/AFA.** On August 29, 2001, the Association of Flight Attendants (AFA) filed an application to represent Delta's Flight Attendants. AFA asserted that Delta interfered with employee free choice during the union's organizing campaign. The union requested the Board to conduct an election using a "Laker" ballot, instead of the Board's standard ballot. During the Board's initial investigation, terrorist attacks disrupted the airline industry. In addition, mail service was disrupted, especially in the Washington, DC area, due to anthrax contamination at a DC postal facility. The Board's investigation established that there was an insufficient basis for a "Laker" ballot, but provided AFA with the opportunity to renew its interference allegations in the event the union lost the election. To address the mail problems, the Board conducted the

election from its office in Chicago, IL. The ballots were counted February 2, 2002. AFA received 5, 520 votes from 19,033 eligible voters. After the count, AFA filed additional allegations of interference. The Board continued its investigation, which included on-site interviews at several Delta stations. The investigation continued through May 2002. Over 200 witnesses were interviewed by 10 Board investigators. The decision will be issued during the first quarter of FY2003.\*

**FORECAST FOR FY2003, FY2004, AND BEYOND**

The NMB will continue to be faced with challenging representation issues to investigate and resolve. It is estimated that 76 new representation cases will be filed with the Board during FYs 2003 and 2004. A continuing volume of new representation cases is expected in FY2003 and beyond, primarily due to the proliferation of short-line railroads, organizing efforts at the regional airlines, and large organizing campaigns on major carriers. It is also expected that there will be applications for Train and Engine Service Employees on Class I Railroads. Moreover, the Board expects to receive more complicated jurisdictional referrals as carriers become more diversified.

It is likely that unions in the railroad industry will continue to be active in seeking to represent the employees of the newer short-lines during the next decade. Similar organizing activity is expected to take place at the regional airlines. The pace of organizing activities at regional airlines is likely to remain high for the foreseeable future. This trend has been heightened by the advent of regional jets which have contributed to the explosive growth of many regional carriers.



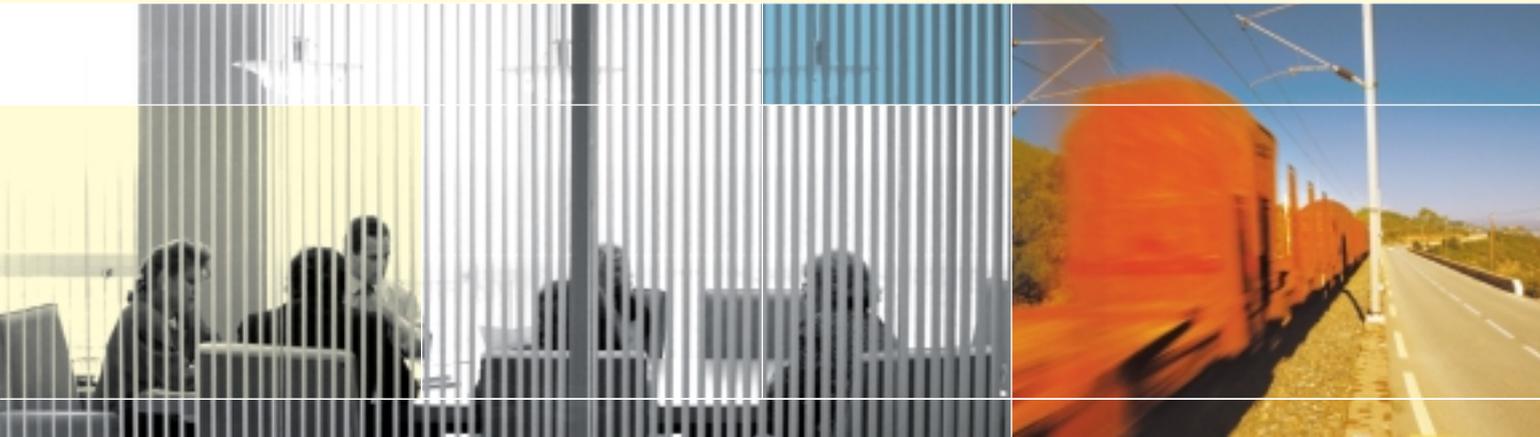
\*The decision was issued December 12, 2002.



# ARBITRATION SERVICES

DURING FY2002 THE NMB'S ARBITRATION PROGRAM CONTINUED ITS EFFORTS TO STREAMLINE PROCEDURES AND MODERNIZE ITS OPERATIONS. THE RESULT WAS THE CLOSING OF THE LARGEST NUMBER OF PUBLIC LAW BOARDS AND SPECIAL BOARDS OF ADJUSTMENT IN THE AGENCY'S HISTORY. APPROXIMATELY 50 PERCENT OF THE BOARDS ON FILE AT THE BEGINNING OF THIS FISCAL YEAR WERE CLOSED. FOR ONLY THE SECOND TIME IN THE AGENCY'S HISTORY THE NATIONAL RAILROAD ADJUSTMENT BOARD (NRAB) CHANGED ITS PROCEDURES AT THE INSISTENCE OF THE AGENCY, RESULTING IN A REDUCTION IN PAPER AND THE INTRODUCTION OF THE USE OF ELECTRONIC SUBMISSIONS.





The increased level of grievances handled through the Board's Arbitration program has been directly affected by the recent round of national collective bargaining among the major freight railroads and the rail organizations. Until the bargaining is concluded, there will be unresolved contract administration issues which are addressed through the Section 3 grievance process. However, it is anticipated that several issues which had given rise in the past to numerous grievances will be handled and resolved in this round of negotiations. This should lead to a decrease in the number of future grievances progressed to arbitration. For example, the recent agreement reached between the UTU and the National Railway Labor Conference provides for the elimination of provisions which in the past gave rise to numerous grievances concerning time claims.

During FY2002, the parties brought 4,990 cases to arbitration compared to 2,944 cases in FY2001. In FY2002, 4,807 cases were closed (compared to 4,314 in FY2001), leaving 6,002 cases pending at the end of the year. The number of cases pending at the end of

FY2002 is approximately 30 percent lower than the five year average.

In FY2002, the Arbitration and the Finance and Administration Departments cooperated to meet the Agency's arbitration performance goal by reimbursing arbitrators within three business days instead of 10 business days.

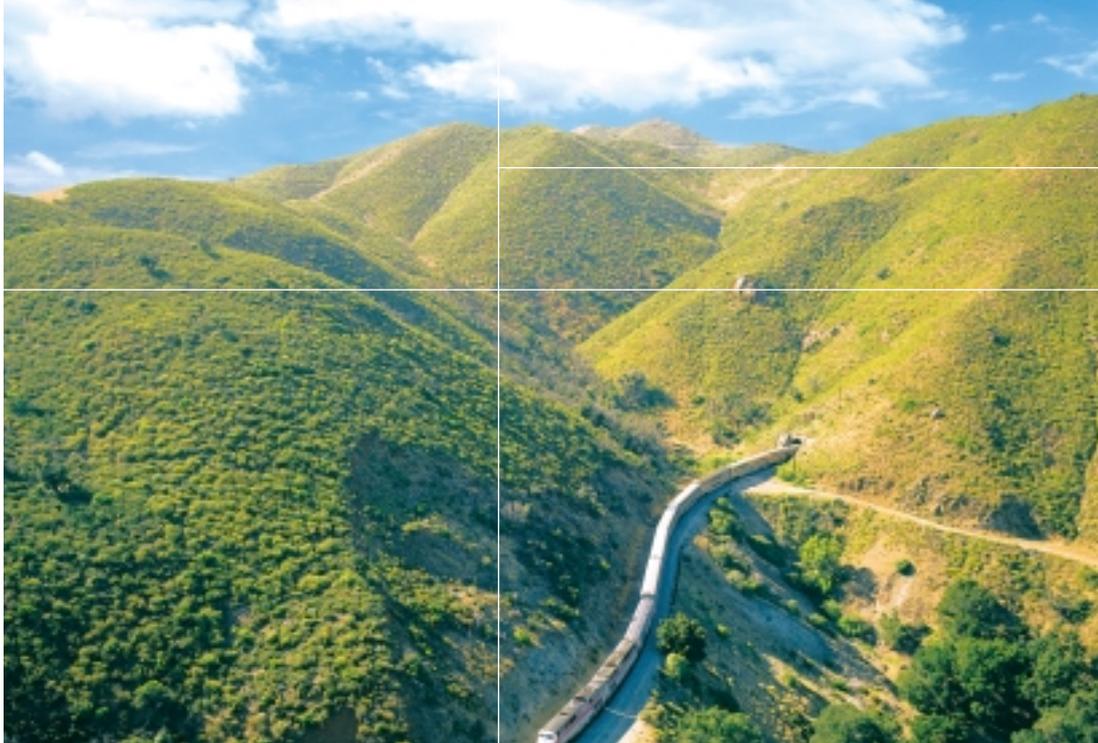
#### **HIGHLIGHTS DURING FISCAL YEAR 2002**

At the end of January 2002, the Board met with the Section 3 Committee, a group consisting of representatives of Class I freight railroads and the commuter carriers along with the major rail organizations, with the goal of reviewing the Board's Section 3 caseload and administrative procedures. The Section 3 Committee and the NMB created a subcommittee that will cooperatively explore changes in Section 3 procedures. The Board met with the subcommittee in May 2002. Several new initiatives, which refined projects already in progress, emerged from the Agency's work with the Section 3 groups.

**Annual Case Audit.** In November 2001, the Board conducted its annual intensive audit of all cases pending before public law boards and special boards of adjustment. The agency provided the National Railway Labor Conference, Section 3 Committee members, commuter railroads, regional railroads and all labor organizations representing railroad employees with a list of pending cases on these boards. The Board asked the parties to report any discrepancies between its records and the agency's records. The same audit procedures were extended to the National Railroad Adjustment Board (NRAB). All of the carriers and the rail organizations as well as the NRAB responded to the audit. This 100 percent participation ensured the accuracy of the NMB's arbitration case management information system. The results were very encouraging as they confirmed the accuracy of the Board's records. During this fiscal year, the Board initiated procedures to provide for the electronic transmission of the audit reports to the parties. This will expedite the audit response process and produce savings to the Agency.

**Alternative Dispute Resolution in the Railroad Industry.** The NMB actively promoted grievance mediation as an alternative means of dealing with grievances in the railroad industry by reaching out to two of the largest Class I freight carriers (Union Pacific Railroad and the Norfolk Southern Railroad) and the largest rail union (the United Transportation Union). In each presentation before the carriers, the Board emphasized the advantages of grievance mediation and offered its services. The reaction was very positive and the Board anticipates several projects in the next fiscal year with these carriers.

During this fiscal year, the Board met several times with the UTU. The Board attended regional meetings of the general chairmen, who are the individuals in charge of the administration of a collective bargaining agreement. One of the purposes in attending these meetings is to promote grievance mediation as a means of resolving disputes. The reception to the presentations was very favorable and it is anticipated that the organization will utilize grievance mediation in the future.



**Improving the Quality of the Arbitrators' Roster.**

In July 2002, the NMB commenced a project to improve the quality of individuals on the Roster of Arbitrators. The objective of the project was to update the information on our roster of arbitrators and to identify highly qualified arbitrators to strengthen the roster. This project was completed in Fiscal Year 2002.

**Increasing the Arbitrators' Productivity.** During this Fiscal Year, the NMB continued its efforts to increase the arbitrators' productivity. Effective October 1, 2001, the NMB instituted a deadline for the submission of personal services vouchers. The deadline ensured that arbitrators submitted their vouchers in a timely fashion.

The NMB continued rigorous enforcement of the "six-month rule" which identifies arbitrators who heard cases more than six months ago and have not rendered a decision. These arbitrators are now contacted monthly and "encouraged" to issue those decisions as soon as possible.

The NMB improved its posting of arbitrator information in a separate section on the NMB's website.

During this fiscal year, the NMB, in conjunction with the Section 3 Committee, conducted a training seminar for arbitrators on Section 3 grievances. The objective of this seminar was to familiarize new arbitrators with the arbitration process. This should increase the pool of qualified arbitrators available to the parties. It is anticipated the seminar will result in the actual assignment of cases to individuals who previously had not been selected to hear and decide cases. The parties' use of these individuals will be monitored by the NMB over the coming year to track the success rate of the project.

At the start of the fiscal year, the NMB began monitoring case loads and authorizations to encourage arbitrators to issue awards in all cases within 180 calendar days of hearing dates. The Board has met this goal in approximately 80 percent of PLB and SBA cases and 50 percent of NRAB cases. However, the lack of an appropriation until the end of the first quarter significantly affected the NMB's ability to achieve a higher goal. During this same period, the NMB continued its objective to reduce the average length of

time between the hearing of cases and decisions at the NRAB by at least 15 days.

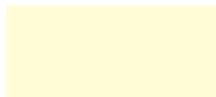
**New Case Management System and Other Administrative Improvements.**

As part of its overall plan to improve its management information system, the agency was able to complete the case tracking system with the NRAB in Chicago, Illinois. This system will now enable the Board to track more accurately the caseload and identify trends at the NRAB which will be useful in assisting the parties. Now that the NMB is connected with the offices at the NRAB, the Board will be able to assist the parties prioritize case issues, evaluate existing boards, screen new cases filed, and identify grievance issues by regional location and parties involved.

The Agency continued its successful program of using the NMB's website as a source for many of the forms and documents needed by arbitrators and the parties. This use of the Internet allows arbitrators, the parties, and the public to obtain information and forms instantaneously and reduces the staff time which ordinarily would be required to respond to questions and requests.

**FORECAST FOR FY2003, FY2004 AND BEYOND**

The Board projects that the number of cases pending in FY2003 will be slightly more than the previous year and that during the next two fiscal years caseloads will increase. This projection is driven by two assumptions: first, that the number of newly docketed cases will be 4,405, the five year average for new cases; and, second, that the number of closed cases will be 4,027, the estimated number of closed cases during FY2002. The Board assumes for these projections that it will receive funding at the requested level. Absent such funding, the projected level of cases pending at year end will increase significantly. The Board is optimistic that grievance mediation, party education, new arbitrator orientation, expedited boards, precedent setting boards and other initiatives undertaken by the Board and the parties will enable the Board to achieve case closures even better than those projected.

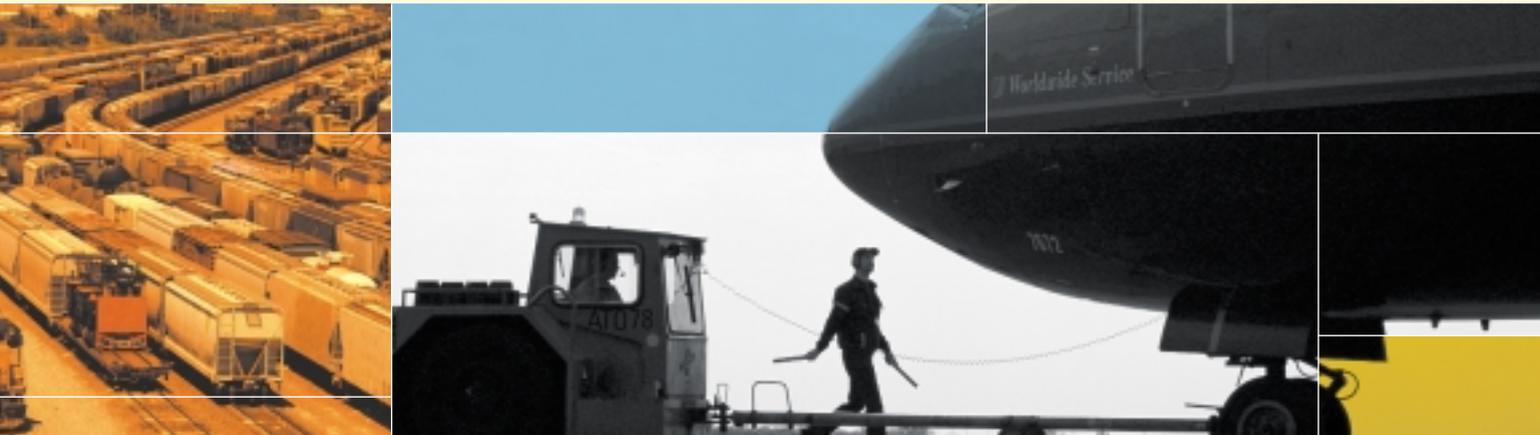


# PRESIDENTIAL EMERGENCY BOARDS

**WHEN THE NMB DETERMINES THAT MEDIATION HAS BEEN UNSUCCESSFUL, AND THAT THE PARTIES ARE TRULY AT AN IMPASSE, THE NMB PROFFERS INTEREST ARBITRATION TO THE PARTIES. EITHER LABOR OR MANAGEMENT MAY REFUSE THE PROFFER AND, AFTER A 30 DAY COOLING OFF PERIOD, ENGAGE IN WORK STOPPAGES, IMPLEMENT NEW CONTRACT TERMS, OR ENGAGE IN OTHER TYPES OF ECONOMIC SELF-HELP.**

If the NMB determines, pursuant to Section 160 of the RLA, that a dispute threatens substantially to interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a PEB to “investigate and report respecting such dispute.” Status quo conditions must be maintained throughout the period that the PEB is empaneled and for 30 days following the PEB’s report to the President. The President designates the number of PEB members. If no agreement is reached, and there is no intervention by Congress, the parties are free to engage in self help 30 days after the PEB’s report to the President.

Apart from the emergency board procedures provided by Section 160, Section 159A of the RLA provides special multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and their employees. If mediation procedures are exhausted, the parties to the dispute or the Governor of any state where the railroad operates, may request that the President establish a PEB. The President is required to establish such a board if requested. If no settlement is reached within 60 days following the creation of the PEB, the NMB is required to conduct a public hearing on the dispute. If there is no settlement within 120 days after the creation of the PEB, any party or the Governor of



any affected state, may request a second final offer PEB. No self help is permitted pending the exhaustion of these emergency procedures.

While PEBs are part of the RLA, the use of PEBs indicates that the parties have not been able to reach voluntary agreements.

During FY2002 there were no PEBs established under Section 159A, and there was only one PEB established under Section 160. PEB 236 involved United Airlines and its mechanics, represented by the International Association of Machinists and Aerospace Workers (IAM). The emergency board issued its report on January 19, 2002.

The fact that there was only one PEB during FY2002, reflects that the parties routinely, either on their own or with NMB assistance, successfully reached voluntary agreements without the need for PEBs.

#### HIGHLIGHT OF FISCAL YEAR 2002

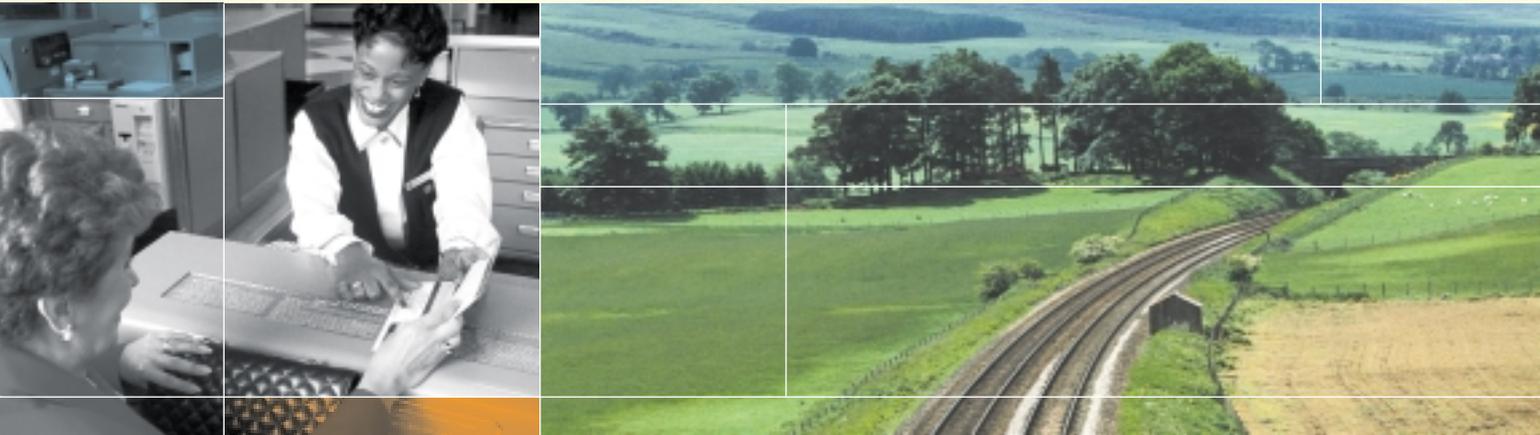
**Presidential Emergency Board 236.** After more than one year of mediation, the NMB notified the President that the dispute between United Airlines and the IAM threatened substantially to interrupt commerce to a

degree such as to deprive sections of the country of essential transportation service. The President created PEB 236 on December 20, 2001 and appointed Helen Witt as Chairman, and Ira Jaffe and David Twomey as members. The PEB conducted a four day hearing in Washington, DC. The PEB only addressed economic issues identified in the Section 6 notices. The parties had reached tentative agreements on other issues concerning rules and working conditions. The PEB issued its report to the President on January 19, 2002. On February 12, 2002, the IAM's members voted down the PEB's recommendations and voted in favor of a strike. Subsequent negotiations led to an agreement, which was ratified on March 5, 2002.

**Other Potential Presidential Emergency Boards Avoided.** Although Atlas Air and ALPA experienced a cooling off period which threatened to disrupt the country's transportation system, the parties reached an agreement without the need for intervention by the President. A potential work stoppage was also averted when Midwest Express reached agreement with AFA after the cooling off period expired.

# MANAGEMENT AND SUPPORT PROGRAMS

THE PRIMARY MANAGEMENT AND SUPPORT PROGRAMS FOR THE NMB ARE HOUSED WITHIN TWO DEPARTMENTS: FINANCE AND ADMINISTRATION (F&A), AND DEVELOPMENT AND TECHNOLOGY (D&T). TOGETHER, THESE DEPARTMENTS INCLUDE BUDGET AND FINANCE, HUMAN RESOURCES, INFORMATION TECHNOLOGY, RESEARCH, STAFF DEVELOPMENT, AND PUBLIC INFORMATION. FROM A BUDGETARY STANDPOINT, MOST OF THE COSTS OF MANAGEMENT AND SUPPORT PROGRAMS ARE CONTAINED IN THE MEDIATION/REPRESENTATION SECTION OF THE BUDGET. BECAUSE HUMAN RESOURCES AND INFORMATION TECHNOLOGY FUNCTIONS ARE OUTSOURCED, THESE ACTIVITIES ARE PRORATED BETWEEN THE MEDIATION/REPRESENTATION AND ARBITRATION PROGRAM AREAS.



### FINANCIAL MANAGEMENT

F&A provides budget planning and development, and oversight of budget execution. In addition, F&A is responsible for the maintenance of the agency's core accounting system; financial reporting to Office of Management and Budget (OMB), and Treasury; payments to vendors for goods and services received; issuing bills; and an annual audited financial statement. The NMB will begin work with an outside audit firm to establish time frames for the FY2002 financial audit. In accordance with applicable law, the agency's financial statements will be finalized by March 1, 2003.

Thorough reviews have found that the NMB does not have any material weakness in its financial system, and is in compliance with The Federal Financial Management Improvement Act (FFMIA). The NMB has used the GLOWS financial system since 1993. In October 1999, the Board upgraded the financial system in accordance with the Joint Financial Management Improvement Program (JFMIP) guidelines. The upgraded financial system has passed the JFMIP testing process and is in compliance with financial laws and regulations.

The Government Management Reform Act (GMRA) and Government Performance and Results Act (GPRA) require the implementation of managerial cost accounting and performance reporting. Since the Board is a small agency with only three program areas, these program costs are already reported and budgeted in accordance with the agency's strategic and performance goals. The F&A department has processes in place which will identify and account for any new initiatives that the Board establishes within its program areas.

### HUMAN RESOURCES MANAGEMENT

The NMB has continued to use sound management practices and structures to deliver an increased service load with no increase in human resources. The agency has continued to use contracted services to deliver high quality, cost effective services across the Agency. The NMB continues to concentrate on recruiting and retaining a highly diverse and skilled workforce to meet its strategic and performance goals.

During FY2002, the Board continued to improve its performance management plan, updating and

improving the performance plans for each employee and linking all individual development plans (IDP) to the performance plans. The Board has continued its search for a diverse work force, and during FY2002 hired two new mediators (including an African-American woman).

During FY2002 the agency implemented several programs designed to bolster the training and development of all agency employees, including a series of "brown bag" discussions with conflict resolution specialists from outside the air and rail industries, a series of formal presentations by air and rail representatives (including one from American Airlines on their diversity program), and a staff conference with mediation and facilitation training and continuing legal education for NMB staff attorneys.

### **INFORMATION TECHNOLOGY**

The NMB continues to improve its mission performance, productivity, and administrative processes through better utilization of Information Technology (IT) and by integrating technology into business prac-

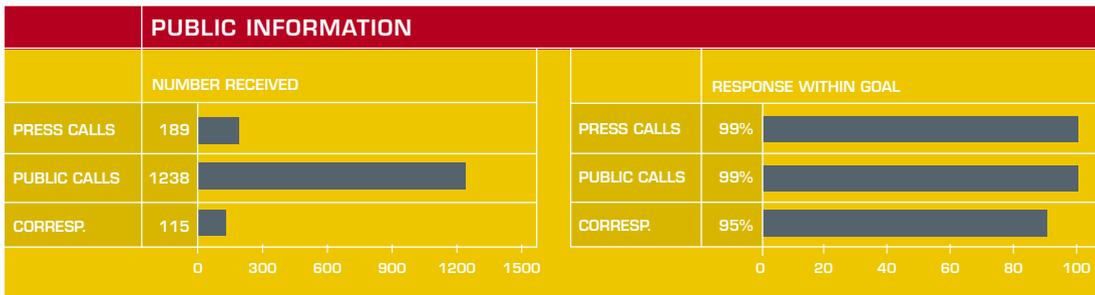
tices and mission delivery across the agency. The NMB continues to use an IT Architecture, IT capital planning process, and IT security policy to better provide the staff with the overall direction of IT.

The NMB security policy is in place and is consistent with applicable laws and regulations, ensuring that the agency's information will be safeguarded from data loss, incursion, or attack. An agency emergency response plan is being prepared that will address responses to potential emergencies and the continuation of business in the face of emergencies.

The NMB has implemented an IT capital planning document which outlines IT investments for the future. During FY2002 the agency replaced its servers and will be upgrading its current hardware in FY2003 to ensure that the Board's internal customers have the tools and technology necessary to accomplish their duties and responsibilities.

The Board's website is located at [www.nmb.gov](http://www.nmb.gov). The focus of the website is to provide information on the principal functions of Mediation, Representation, Arbitration and Presidential Emergency Boards under the RLA.





In keeping with the requirements of the Government Paperwork Elimination Act, forms to request services are on the website. The Board continues to review and include information on the website which will meet all the necessary regulations for public disclosure. During FY2002, the NMB tested a process for placing previous years' determinations on the website which will culminate in a new posting process beginning in FY2003.

**RESEARCH AND DEVELOPMENT**

FY2002 saw the increased use of NMB network capacity for distribution of research and information. Improvements were made in access to periodical publications related to the air and rail industries, and steps were taken to begin building a contract data base available on the NMB network. The NMB case management system was extended to the Chicago office and the Arbitration staff there, and a review of the Arbitration information posted on the NMB website was begun.

For publication of the FY2001 annual report the editing and publication process was streamlined and made more "paper free," resulting in a cost saving for the publication. A new PDF format for NMB determinations was tested in FY2002 for implementation in FY2003.

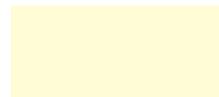
In FY2002 the agency hired an employee with strong records management experience to assist in the long term transition from a paper based records system to an electronic system. With her assistance, the Board began reviewing and evaluating a number of document management and records management software packages. Depending upon the state of the FY2003

budget, the Board hopes to begin implementation of a comprehensive document management program during FY2003.

**PUBLIC INFORMATION**

During FY2001, the Board took significant steps toward improving its delivery of public information. The agency website was made a focus for "breaking news" and information, and the press and public information distribution system was converted to an electronic format to quicken the delivery of information. A public information policy statement was posted on the website, stressing the sensitive nature of the information that the Board routinely handles, and the recognition of the Board's responsibility to communicate accurate and timely information to the press and public. All of these improvements have been carried into FY2002, resulting in expedited responses to public inquiries and an improved working relationship with the press.

In FY2001, for the first time, the Board established pilot customer service standards for responding to public inquiries, press inquiries, and other requests for information. In FY2002 the pilot standards were implemented. The Board's public information staff attempts to return all press and public phone inquiries on the same business day on which they are received, and to research and respond to written inquiries within five business days of receipt. For both press and public calls, the staff met the goals 99 percent of the time, and for written correspondence, the staff met the goal 95 percent of the time.



**APPENDICES**  
**TABLE OF CONTENTS**

35	I. REGISTRY OF BOARD MEMBERS
36	II. FY 2002 PERFORMANCE REPORT
39	III. MEDIATION, ADR, AND REPRESENTATION TABLES
46	IV. MEDIATION, ADR, AND REPRESENTATION CASE RECORD
54	V. 68TH ANNUAL REPORT OF THE NATIONAL RAILROAD ADJUSTMENT BOARD
58	VI. SECTION 3 TRIBUNALS AND ARBITRATORS ASSIGNED
60	VII. GLOSSARY OF TERMS AND ACRONYMS

## REGISTRY OF BOARD MEMBERS

<b>NAME</b>	<b>ENTERED OFFICE</b>	<b>STATUS</b>	<b>DATE</b>
Harry R. Hoglander	08-02-02	Term Expires	07-01-05
Edward R. Fitzmaurice, Jr.	08-02-02	Term Expires	07-01-04
Francis J. Duggan	11-22-99	Term Expires	07-01-03
Magdalena G. Jacobsen	12-01-93	Resigned	08-02-02
Ernest W. DuBester	11-15-93	Resigned	08-01-01
Kenneth B. Hipp	05-19-95	Resigned	12-31-98
Kimberly A. Madigan	08-20-90	Resigned	11-30-93
Patrick J. Cleary	12-04-89	Resigned	01-31-95
Joshua M. Javits	01-19-88	Resigned	11-14-93
Charles L. Woods	01-09-86	Resigned	01-15-88
Helen M. Witt	11-18-83	Resigned	09-18-88
Walter C. Wallace	10-12-82	Term Expired	07-01-90
Robert J. Brown	08-20-79	Resigned	06-01-82
Robert O. Harris	08-03-77	Resigned	07-31-84
Kay McMurray	10-05-72	Term Expired	07-01-77
Peter C. Benedict	08-09-71	Deceased	04-12-72
David H. Stowe	12-10-70	Retired	07-01-79
George S. Ives	09-19-69	Retired	09-01-81
Howard G. Gamser	03-11-63	Resigned	05-31-69
Robert O. Boyd	12-28-53	Resigned	10-14-62
Leverett Edwards	04-21-50	Resigned	07-31-70
John Thad Scott, Jr.	03-05-48	Resigned	07-31-53
Francis A. O'Neill, Jr.	04-01-47	Resigned	04-30-71
Frank P. Douglass	07-03-44	Resigned	03-01-50
William M. Leiserson	03-01-43	Resigned	05-31-44
Harry H. Schwartz	02-26-43	Term Expired	01-31-47
David J. Lewis	06-03-39	Resigned	02-05-43
George A. Cook	01-07-38	Resigned	08-01-46
Otto S. Beyer	02-11-36	Resigned	02-11-43
John M. Carmody	07-21-34	Resigned	09-30-35
James W. Carmalt	07-21-34	Deceased	12-02-37
William M. Leiserson	07-21-34	Resigned	05-31-39

## FY2002 PERFORMANCE REPORT

### I. MEDIATION

**NMB MEDIATION ASSISTANCE WILL FOSTER THE PROMPT AND PEACEFUL RESOLUTION OF COLLECTIVE BARGAINING DISPUTES IN THE AIRLINE AND RAILROAD INDUSTRIES.**

#### FY2002 MEDIATION PERFORMANCE GOALS/TARGETS

1. In all non-excepted cases, mediation applications will be responded to within three business days following their receipt by the NMB.	1997 Baseline	88%
	2002 Target	100%
	2002 Performance	98%
2. In all non-excepted cases, a mediator will be assigned within 14 calendar days following the docketing of a case.*	1997 Baseline	91%
	2002 Target	100%
	2002 Performance	100%
3. In all non-excepted cases, the assigned Mediator will make an initial contact with the parties within seven calendar days following his or her assignment to a case (initial contact is satisfied by speaking with both parties or leaving a voice mail message with both parties).	1997 Baseline	65%
	2002 Target	100%
	2002 Performance	100%
4. In all non-excepted cases, the assigned Mediator will establish the date for the first mediation conference within 25 calendar days following the Mediator's assignment to a case.	1997 Baseline	17%
	2002 Target	100%
	2002 Performance	93%
5. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within 45 days of mediation meetings or fewer.	2001 Baseline	96%
	2002 Target	100%
	2002 Performance	93%
6. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within twelve months (365 days) from the docketing of an application.	2001 Baseline	58%
	2002 Target	100%
	2002 Performance	80%
7. Provide mediation services for 70 new railroad and airline mediation cases.	2001 Baseline	100%
	2002 Target	100%
	2002 Performance	63%
8. Mediate to closure 70 railroad and airline mediation cases.	2001 Baseline	93%
	2002 Target	100%
	2002 Performance	84%

### II. ALTERNATIVE DISPUTE RESOLUTION

**NMB ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES WILL PROMOTE EFFECTIVE AND EFFICIENT USE OF INTEREST BASED BARGAINING AND GRIEVANCE MEDIATION.**

#### FY2002 ADR PERFORMANCE GOALS/TARGETS

1. Provide facilitator and training services in 50 new alternative dispute resolution cases.	2001 Baseline	128%
	2002 Target	100%
	2002 Performance	140%
2. Bring 50 alternative dispute resolution cases to closure.	2001 Baseline	154%
	2002 Target	100%
	2002 Performance	146%

\* For FY 2003, this standard will be revised to 10 calendar days.

### III. REPRESENTATION

**UPON THE REQUEST OF EMPLOYEES OF AN AIRLINE OR RAILROAD, THE NMB WILL PROMPTLY INVESTIGATE REPRESENTATION DISPUTES AND DEFINITELY RESOLVE THE EMPLOYEES' REPRESENTATION STATUS FOR COLLECTIVE BARGAINING PURPOSES.**

1. In all cases, a written response to a representation application will be sent within three business days.	1997 Baseline 2002 Target 2002 Performance	97% 100% 100%
2. In all cases, an NMB investigator will be assigned to investigate a representation matter within three* business days following the initial NMB response, unless the NMB declines to process the application.	2001 Baseline 2002 Target 2002 Performance	100% 100% 100%
3. In all cases** the NMB's determination of whether there is sufficient showing of interest to warrant further investigation will be made within 45 calendar days of docketing.	2001 Baseline 2002 Target 2002 Performance	100% 100% 84%
4. In all cases, a certification or a dismissal will be issued within one <sup>§</sup> business days of the ballot count.	2002 Baseline 2002 Target 2002 Performance	New 100% 100%
5. All non-appellate representation cases will be completed within 90 calendar days of docketing.	1997 Baseline 2002 Target 2002 Performance	89% 100% 90%
6. All Board decisions involving allegations of interference in appellate representation cases will be issued within 270 calendar days of docketing. <sup>†</sup>	2001 Baseline 2002 Target 2002 Performance	83% 100% 100%
7. All predocketing investigations will be completed within 180 <sup>√</sup> calendar days following the investigator's assignment to the case.	2001 Baseline 2002 Target 2002 Performance	100% 100% 100%
8. A written jurisdictional opinion will be provided to the NLRB within 180 <sup>√√</sup> calendar days from the date the jurisdictional referral from NLRB headquarters is assigned to an investigator.	2001 Baseline 2002 Target 2002 Performance	100% 100% 100%
9. In all cases which require a Board level decision, the Board will endeavor to issue a decision within 35 days after receiving a staff recommendation.	2001 Baseline 2002 Target 2002 Performance	100% 100% 100%

\* Previously this element called for assignment with five business days.

\*\* In 2001, this standard was changed to include all cases.

§ This element was previously based on three business days.

† This element will be based upon "180 days of filing of allegations" for FY 2003.

√ For FY 2003, this element will be based on 120 days.

√√ For FY 2003, this element will be based on 120 days.

38 **IV. ARBITRATION****THE NMB WILL PROMOTE THE PROMPT AND ORDERLY RESOLUTION OF GRIEVANCE DISPUTES.**

1. All arbitrators compensated by the NMB will be sent their payment within 3* business days following the NMB's receipt of an appropriate voucher.	2002 Baseline	New
	2002 Target	100%
	2002 Performance	49%*
2. Monitor case loads and authorizations to encourage arbitrators to issue awards in all cases within 180 calendar days of hearing dates.†	<b>PLB/SBA</b>	
	2002 Baseline	New
	2002 Target	100%
	2002 Performance	81%
	<b>NRAB</b>	
	2002 Baseline	New
	2002 Target	100%
	2002 Performance	50%
3. At the National Railroad Adjustment Board, reduce the average length of time between the hearing of cases and decisions by at least 15 days.√	2001 Baseline	32%
	2002 Target	100%
	2002 Performance	46%

**V. PUBLIC INFORMATION****THE BOARD'S PUBLIC INFORMATION STAFF WILL ENDEAVOR TO RESPOND PROMPTLY TO ALL PRESS AND PUBLIC CALLS AND WRITTEN INQUIRIES.**

1. All Press Calls will be responded to on the day received.	2002 Baseline	New
	2002 Target	100%
	2002 Performance	99%
2. All other Calls will be responded to within one business day.	2002 Baseline	New
	2002 Target	100%
	2002 Performance	99%
3. All Correspondence will be responded to within five business days.	2002 Baseline	New
	2002 Target	100%
	2002 Performance	95%

\* The 1997 baseline of 85% was based on payments made within 10 business days.

† In 2001, this element was based on a composite of all cases (PLB, SBA and NRAB).

√ Previously, this element was based on a percentage of 5 percent.

## MEDIATION, ADR, AND REPRESENTATION TABLES

39

TABLE 1: NUMBER OF CASES RECEIVED AND CLOSED OUT

		FY02	FY01	FY00	FY99	FY98	FY97	AVERAGE 97-01
<b>MEDIATION</b>	Start-pending	66	61	74	127	176	150	117.6
	New	44	70	65	71	61	101	73.6
	Sum	110	131	139	198	237	251	191.2
	Closed	59	65	78	124	105	74	89.2
	End-pending	51	66	61	74	132	177	102.0
<b>ADR</b>	Start-pending	21	28	16	27	7	0	15.6
	New*	48	45	59	45	21	15	37.0
	Sum	69	73	75	72	28	15	52.6
	Closed*	51	52	47	56	3	8	33.2
	End-pending	18	21	28	16	25	7	19.4
<b>REPRESENTATION</b>	Start-pending	8	15	14	11	24	29	18.6
	New	66	66	75	75	78	78	74.4
	Sum	74	81	89	86	102	107	93.0
	Closed	70	73	74	72	91	83	78.6
	End-pending	4	8	15	14	11	24	14.4
<b>TOTAL</b>	Start-pending	95	104	104	165	207	179	151.8
	New	158	181	199	191	160	194	185.0
	Sum	253	285	303	356	367	373	336.8
	Closed	180	190	199	252	199	165	201.0
	End-pending	73	95	104	104	168	208	135.8

Note: Some figures in FY1998 and 1999 adjusted based on case audit.

	NUMBER OF CASES	NUMBER OF CRAFTS OR CLASSES	NUMBER OF EMPLOYEES INVOLVED	NUMBER OF EMPLOYEES PARTICIPATING
<b>RAILROADS</b>				
Certifications.	13	13	1,035	654
Dismissals	10	10	207	72
<b>TOTALS</b>	<b>23</b>	<b>23</b>	<b>1,242</b>	<b>726</b>
<b>AIRLINES</b>				
Certifications	13	13	2,658	1,882
Dismissals	34	34	23,302	7,157
<b>TOTALS</b>	<b>47</b>	<b>47</b>	<b>25,960</b>	<b>9,039</b>
<b>TOTALS RAILROADS AND AIRLINES</b>	<b>70</b>	<b>70</b>	<b>27,202</b>	<b>9,765</b>

\* The ADR caseload shown here includes only airline and railroad cases.

TABLE 3: NUMBER OF CASES CLOSED BY MAJOR GROUPS OF EMPLOYEES

<b>RAILROADS</b>	<b>TOTAL CASES</b>	<b>REPRE- SENTATION CASES</b>	<b>MEDIATION/ ADR CASES</b>
Agents, Telegraphers and Towermen	0	0	0
Boilermakers and Blacksmiths	0	0	0
Brakemen and Conductors	0	0	0
Carmen	5	3	2
Clerical Office, Station and Storehouse Employees	3	1	2
Conductors	1	0	1
Dining Car Employees, Train and Pullman Porters	0	0	0
Electrical Workers	3	1	2
Engine Service Employees	1	0	1
Engineers and Related Employees	0	0	0
Firemen and Oilers	0	0	0
Locomotive Engineers	4	0	4
Locomotive Firemen and Hostlers	0	0	0
Longshoremens	0	0	0
Machinists	2	0	2
Maintenance of Way Employees	16	5	11
Marine Service Employees	0	0	0
Mechanical Department Foremen and/or Supervisor of Mechanics	0	0	0
Operating Employees	1	1	0
Non-Operating Employees	1	1	0
Police Officers Below the Rank of Captain	0	0	0
Power Directors (Supervisors)	0	0	0
Railroad Freight Loaders and Handlers	1	1	0
Sheet Metal Workers	0	0	0
Shop Laborers	1	0	1
Signalmen	2	1	1
Subordinate Officials in the Maintenance of Way Dept	1	1	0
Subordinate Officials in the Maintenance of Equipment Department	0	0	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0
Train Dispatchers	4	0	4
Train and Engine Service	12	8	4
Trainmen	3	0	3
Yardmasters	4	0	4
Combined Groups, Railroad	0	0	0
Miscellaneous, Railroad	4	0	4
<b>RAILROAD TOTAL</b>	<b>69</b>	<b>23</b>	<b>46</b>

TABLE 3 continued

	<b>TOTAL CASES</b>	<b>REPRE- SENTATION CASES</b>	<b>MEDIATION/ ADR CASES</b>
<b>AIRLINES</b>			
EMS Employees (Paramedics/Nurses)	0	0	0
Engineers and Related Employees	0	0	0
Fleet and Passenger Service Employees	3	2	1
Fleet Service Employees	5	2	3
Flight Attendants	19	5	14
Flight Deck Crew Members	6	5	1
Flight Dispatchers	5	4	1
Flight Engineers	0	0	0
Flight Kitchen and Commissary Employees	3	2	1
Flight School Instructors	1	0	1
Flight Simulator Technicians	0	0	0
Ground School Instructors	2	2	0
Mechanics and Related Employees	24	13	11
Meteorologists	1	1	0
Office Clerical Employees	2	1	1
Office Clerical, Fleet and Passenger Service Employees	2	0	2
Passenger Service Employees	4	2	2
Pilot Ground Training Instructors	2	1	1
Pilots	26	4	22
Security Officers	1	0	1
Stock and Stores Employees	4	3	1
Technical Engineers, etc	1	0	1
Combined Groups, Airlines	0	0	0
Miscellaneous, Airlines	0	0	0
<b>AIRLINE TOTAL</b>	<b>111</b>	<b>47</b>	<b>64</b>
<b>GRAND TOTAL, RAILROADS AND AIRLINES</b>	<b>180</b>	<b>70</b>	<b>110</b>

**TABLE 4: NUMBER OF CRAFT OR CLASS DETERMINATIONS AND NUMBER OF EMPLOYEES INVOLVED IN REPRESENTATION CASES, BY MAJOR GROUPS OF EMPLOYEES**

<b>RAILROADS</b>	<b>NUMBER OF CASES</b>	<b>NUMBER OF CRAFT OR CLASS DETERMINATIONS</b>	<b>NUMBER OF EMPLOYEES</b>	<b>PERCENT* OF EMPLOYEES INVOLVED</b>
Agents, Telegraphers and Towermen	0	0	0	0
Boilermakers and Blacksmiths	0	0	0	0
Brakemen and Conductors	0	0	0	0
Carmen	3	3	137	–
Clerical Office, Station and Storehouse Employees	1	1	51	–
Conductors	0	0	0	0
Dining Car Employees, Train and Pullman Porters	0	0	0	0
Electrical Workers	1	1	0	0
Engineers and Related Employees	0	0	0	0
Firemen and Oilers	0	0	0	0
Locomotive Engineers	0	0	0	0
Locomotive Firemen and Hostlers	0	0	0	0
Longshoremens	0	0	0	0
Machinists	0	0	0	0
Maintenance of Way Employees	5	5	310	1%
Marine Service Employees	0	0	0	0
Mechanical Department Foremen and/or Supervisors of Mechanics.	0	0	0	0
Operating Employees	1	1	33	–
Non-Operating Employees	1	1	15	–
Police Officers Below the Rank of Captain	0	0	0	0
Power Directors (Supervisors)	0	0	0	0
Railroad Freight Loaders and Handlers	1	1	7	–
Sheet Metal Workers	0	0	0	0
Signalmen	1	1	3	–
Subordinate Officials in the Maintenance of Way	1	1	1	–
Subordinate Officials in the Maintenance of Equipment Department	0	0	0	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	0	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0	0
Train Dispatchers	0	0	0	0
Train and Engine Service	8	8	169	–
Yardmasters	0	0	0	0
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	0	0	0	0
<b>RAILROAD TOTAL</b>	<b>23</b>	<b>23</b>	<b>726</b>	<b>3%</b>

TABLE 4 continued

	NUMBER OF CASES	NUMBER OF CRAFT OR CLASS DETERMINATIONS	NUMBER OF EMPLOYEES	PERCENT OF EMPLOYEES INVOLVED
<b>AIRLINES</b>				
EMS Employees (Paramedics/Nurses)	0	0	0	0
Engineers and Related Employees	0	0	0	0
Fleet and Passenger Service Employees	2	2	851	3%
Fleet Service Employees	2	2	41	–
Flight Attendants	5	5	5,847	21%
Flight Deck Crew Members	5	5	183	–
Flight Dispatchers	4	4	32	–
Flight Engineers	0	0	0	0
Flight Kitchen and Commissary Employees	2	2	402	1%
Flight School Instructors	0	0	0	0
Flight Simulator Technicians	0	0	0	0
Ground School Instructors	2	2	0	0
Mechanics and Related Employees	13	13	1,557	6%
Meteorologists	1	1	0	0
Office Clerical Employees	1	1	10	–
Office Clerical, Fleet and Passenger Service Employees	0	0	0	0
Passenger Service Employees	2	2	17	–
Pilot Ground Training Instructors	1	1	45	–
Pilots	4	4	251	–
Stock and Stores Employees	3	3	0	0
Combined Groups, Airlines	0	0	0	0
Miscellaneous, Airlines	0	0	0	0
<b>AIRLINE TOTAL</b>	<b>47</b>	<b>47</b>	<b>9,236</b>	<b>34%</b>
<b>GRAND TOTAL, RAILROADS AND AIRLINES</b>	<b>70</b>	<b>70</b>	<b>9,962</b>	<b>37%</b>

\* Percent listing for each group represents the percentage of the 27,202 employees involved in all railroad and airline cases during fiscal year 2002.

– Less than one percent.

**TABLE 5: NUMBER OF CRAFTS OR CLASSES CERTIFIED AND THE PERCENT\* OF EMPLOYEES INVOLVED IN VARIOUS TYPES OF REPRESENTATION CASES**

	NATIONAL ORGANIZATIONS			LOCAL UNIONS AND/ OR INDIVIDUALS			TOTALS		
	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT
<b>RAILROADS</b>									
Representation Acquired									
Elections	11	526	2%	0	0	0	11	526	2%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed									
Elections	1	109	–	1	19	–	2	128	–
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>TOTAL, RAILROADS</b>	<b>12</b>	<b>635</b>	<b>2%</b>	<b>1</b>	<b>19</b>	<b>–</b>	<b>13</b>	<b>654</b>	<b>2%</b>
<b>AIRLINES</b>									
Representation Acquired									
Elections	11	1,158	4%	0	0	0	11	1,158	4%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed									
Elections	1	372	1%	0	0	0	1	372	1%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged									
Elections	1	352	1%	0	0	0	1	352	1%
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>TOTAL, AIRLINES</b>	<b>13</b>	<b>1,882</b>	<b>7%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>1,882</b>	<b>7%</b>
<b>TOTAL, COMBINED RAILROADS AND AIRLINES</b>	<b>25</b>	<b>2,517</b>	<b>9%</b>	<b>1</b>	<b>19</b>	<b>–</b>	<b>26</b>	<b>2,536</b>	<b>9%</b>

\* Percent listing for each group represents the percentage of the 27,202 employees involved in all rail and airline cases in fiscal year 2002.

– Less than one percent.

Note: These figures do not include cases that were withdrawn or dismissed. Because of rounding, sums of individual items may not equal totals.

TABLE 6: INTEREST ARBITRATION CASES

None

TABLE 7: STRIKES IN THE AIRLINE INDUSTRIES

None\*

\* A cooling-off period between Midwest Express and the AFA expired on August 30, 2002; the parties did not exercise self-help however. A settlement was reached on September 20, 2002.

TABLE 8: STRIKES IN THE RAILROAD INDUSTRIES

None

TABLE 9: RLA SECTION 10 PRESIDENTIAL EMERGENCY BOARDS

PEB NUMBER	CARRIER	UNION	DISPOSITION
236	United Airlines	IAM	PEB Report was issued on 1-19-02. Subsequently the case was settled and ratified on March 5, 2002.

TABLE 10: RLA SECTION 9A PRESIDENTIAL EMERGENCY BOARDS

None

## MEDIATION, ADR, AND REPRESENTATION CASE RECORD

### MEDIATION: AIRLINE CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Airborne Express	IBT	Pilots
Aloha Island Air	HTAW	Mechanics & Related Employees
Aloha Island Air	HTAW	Fleet & Passenger Service Employees
American Airlines	APA	Pilots
American Trans Airlines, Inc.	ALPA	Pilots
American Trans Airlines, Inc.	IAM	Fleet & Passenger Service Employees
Continental Airlines, Inc.	IBT	Mechanics & Related Employees
CareFlite Helicopters, Inc.	OPEIU	Pilots
CCAir, Inc.	AFA	Flight Attendants
Continental Micronesia, Inc.	IBT	Fleet & Passenger Service Employees
Dalfort Aerospace	IBT	Mechanics & Related Employees
Fine Air Services, Inc.	TWU	Fleet & Passenger Service Employees
Industrial Helicopters, Inc.	OPEIU	Pilots
LSG Lufthansa Services	HERE	Flight Kitchen & Commissary Employees
LSG Lufthansa Services	HERE	Flight Kitchen & Commissary Employees
Mesa Air Grp.	ALPA	Pilots
Mesaba Aviation	ALPA	Pilots
Midway Airlines Corp.	AFA	Flight Attendants
Pakistan International Airlines, Inc.	IBT	Stock & Stores Employees
Skyway Airlines, Inc.	ALPA	Pilots
Spirit Airlines	TWU	Flight Dispatchers
St. Louis Helicopter Airways, Inc.	OPEIU	Pilots
Southwest Airlines, Inc.	SWAPA	Pilots
Southwest Airlines, Inc.	IBT	Mechanics & Related Employees
United Parcel Service	IBT	Mechanics & Related Employees
World Airways, Inc.	IBT	Flight Attendants

### MEDIATION: AIRLINE CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Air Wisconsin Airlines	IAM	Passenger Service Employees
Allegheny Airlines	IBT	Fleet & Passenger Service Employees
American Trans Air, Inc.	ALPA	Pilots
Atlas Air, Inc.	ALPA	Pilots
BWIA International Airways	IAM	Mechanics & Related Employees
Champion Air	ALPA	Pilots
Comair, Inc.	IBT	Flight Attendants
Continental Micronesia, Inc.	IBT	Mechanics & Related Employees
Dalfort Aerospace	IBT	Mechanics & Related Employees
Delta Air Lines	TWU	Pilot Ground Training Instructors
Executive Air Terminal Aviation	IAM	Mechanics & Related Employees
Fine Air Services, Inc.	TWU	Fleet Service Employees
Grand Aire Express, Inc.	IBT	Pilots
Gulfstream International Airlines	IBT	Pilots
Hawaiian Airlines	IAM	Mechanics & Related Employees
Hawaiian Airlines	IAM	Office Clerical Employees
Mesaba Aviation	AFA	Flight Attendants

Midway Airlines Corp.	AFA	Flight Attendants
Midway Airlines Corp.	AFA	Flight Attendants
Piedmont Airlines, Inc.	AFA	Flight Attendants
PSA Airlines, Inc.	ALPA	Pilots
Spirit Airlines	TWU	Flight Dispatchers
Sun Country Airlines	ALPA	Pilots
Southwest Airlines, Inc.	SWAPA	Pilots
United Airlines	IAM	Mechanics & Related Employees
United Airlines	IAM	Passenger Service Employees
United Airlines	IAM	Fleet Service Employees
United Airlines	IAM	Flight Kitchen & Commissary Employees
United Airlines	IAM	Security Officers & Security Guards

47

#### MEDIATION: RAILROAD CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Delaware & Hudson Railway	UTU	Trainmen
Delaware & Hudson Railway	UTU	Yardmasters
Elgin, Joliet & Eastern Railway	UTU	Train, Engine, and Yard Service Employees
Indiana Harbor Belt Railroad	BMWE	Maintenance of Way Employees
Indiana Harbor Belt Railroad	BMWE	Maintenance of Way Employees
Port Authority Trans-Hudson	UTU	Conductors
South Carolina Public Railroad	UTU	Trainmen
South Carolina Public Railroad	UTU	Conductors
South Carolina Public Railroad	UTU	Engineers
Southeastern Penn. Transit Auth.	BMWE	Maintenance of Way Employees
Southeastern Penn. Transit Auth.	UTU	Conductors
Union Railroad Co.	USWA	Maintenance of Way Employees
Union Railroad Co.	USWA	Clerical Office, Station & Storehouse
Union Railroad Co.	UTU	Trainmen
Union Railroad Co.	UTU	Yardmasters
Wheeling & Lake Erie Railroad	BRS	Locomotive Engineers
Wheeling & Lake Erie Railroad	BRS	Signalmen
Wheeling & Lake Erie Railroad	BRS	Maintenance of Way Employees

#### MEDIATION: RAILROAD CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Canadian Pacific Railroad	BMWE	Maintenance of Way Employees
Delaware & Hudson Railway	BMWE	Maintenance of Way Employees
Delaware & Hudson Railway	UTU	Trainmen
Delaware & Hudson Railway	UTU	Yardmasters
Elgin, Joliet & Eastern Railway	UTU	Train, Engine, and Yard Service Employees
Indiana Harbor Belt Railroad	BMWE	Maintenance of Way Employees
Indiana Harbor Belt Railroad	BMWE	Maintenance of Way Employees
Kansas City Southern Railway	BMWE	Maintenance of Way
Kansas City Southern Railway	BMWE	Maintenance of Way
Lake Terminal Railroad	USWA	Carmen
Lake Terminal Railroad	UTU	Engine Service Employees
Lake Terminal Railroad	UTU	Trainmen
M & B Railroad	IAM	Machinists
Metro-North Railroad	IBEW	Electrical Workers
Montana Railroad	BMWE	Maintenance of Way Employees
Montana Railroad	TCU	Carmen

## MEDIATION: RAILROAD CASES CLOSED FOR FISCAL YEAR 2002 continued

Montana Railroad	IBEW	Electricians
Montana Railroad	BRS	Signalmen
Montana Railroad	TCU	Clerical Office, Station & Storehouse
Montana Railroad	NCFO	Shop Laborers
Montana Railroad	IAM	Machinists
Port Authority Trans Hudson	ATDD	Train Dispatchers
South Carolina Public Railroad	UTU	Trainmen
South Carolina Public Railroad	UTU	Conductors
South Carolina Public Railroad	UTU	Engineers
Southeastern Penn. Transit Auth.	BMWE	Maintenance of Way Employees
Union Railroad Co.	USWA	Maintenance of Way Employees
Union Railroad Co.	USWA	Clerical Office, Station & Storehouse
York Railroad	BMWE	Maintenance of Way Employees
York Railroad	UTU	Train, Engine, and Yard Service Employees

## ADR: AIRLINE CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT OR CLASS
Alaska Airlines	ALPA	Pilots
Alaska Airlines	ALPA	Pilots
Alaska Airlines	AMFA	Mechanics and Related
Alaska Airlines	AMFA	Mechanics and Related
Alaska Airlines	IAM	Office Clerical Fleet and Passenger
Aloha Airlines	ALPA	Pilots
American Airlines	APA	Pilots
American Eagle	TWU	Stock and Stores
American Eagle	AFA	Flight Attendants
American Eagle	ALPA	Pilots
American Eagle	AFA	Flight Attendants
American Eagle	ALPA	Pilots
Atlantic Southeast Airlines	ALPA	Pilots
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	ALPA	Pilots
Atlantic Southeast Airlines	ALPA	Pilots
Continental	IAM	Fleet Service
Continental	IBT	Technical Engineers
Continental	ALPA	Pilots
Continental Express	ALPA	Pilots
Continental Express	ALPA	Pilots
Frontier Airlines	IBT	Mechanics and Related
Gemini Airlines	ALPA	Flight Deck Crew Members
Gemini Airlines	ALPA	Flight Deck Crew Members
Horizon Airlines	AFA	Flight Attendants
Horizon Airlines	IBT	Pilots
Horizon Airlines	AFA	Flight Attendants
Horizon Airlines	AFA	Flight Attendants
Kitty Hawk Airlines	KHPA	Pilots
Miami Airlines	AFA	Flight Attendants
Northwest Airlines	IAM	Office Clerical Fleet and Passenger
Northwest Airlines	IAM	Office Clerical Fleet and Passenger
PSA Airlines	AFA	Flight Attendants
PSA Airlines	AFA	Flight Attendants
PSA Airlines	AFA	Flight Attendants

## ADR: AIRLINE CASES DOCKETED FOR FISCAL YEAR 2002 continued

49

Southwest Airlines	SWAPA	Pilots
United Parcel Service	IPA	Flight Deck Crew Members

## ADR: AIRLINE CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT OR CLASS
Alaska Airlines	ALPA	Pilots
Alaska Airlines	ALPA	Pilots
Alaska Airlines	ALPA	Pilots
Alaska Airlines	AMFA	Mechanics and Related
Alaska Airlines	AMFA	Mechanics and Related
Alaska Airlines	IAM	Office Clerical Fleet and Passenger
American Airlines	TWU	Mechanics and Related
American Airlines	APA	Pilots
American Eagle	TWU	Stock and Stores
American Eagle	AFA	Flight Attendants
American Eagle	ALPA	Pilots
American Trans Air	ALPA	Pilots
Atlantic Southeast	AFA	Flight Attendants
Atlantic Southeast	ALPA	Pilots
Continental	ALPA	Flight Instructors
Continental	IAM	Fleet Service
Continental	IBT	Technical Engineers, Architects, Draftsmen
Continental Express	ALPA	Pilots
Continental Express	ALPA	Pilots
Continental Express	ALPA	Pilots
Express Air I	PACE	Flight Attendants
Frontier Airlines	IBT	Mechanics and Related
Frontier Airlines	IBT	Mechanics and Related
Gemini Airlines	ALPA	Flight Deck Crew Members
Horizon Airlines	AFA	Flight Attendants
Horizon Airlines	IBT	Pilots
Mesaba Airlines	ALPA	Pilots
Miami Airlines	AFA	Flight Attendants
NWA	IAM	Office Clerical Fleet and Passenger
PSA Airlines	AFA	Flight Attendants
PSA Airlines	AFA	Flight Attendants
PSA Airlines	AFA	Flight Attendants
PSA Airlines	AFA	Flight Attendants
Skyway Airlines	ALPA	Pilots
Southwest Airlines	SWAPA	Pilots

## ADR: RAILROAD CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT OR CLASS
Canadian National	UTU	Yardmasters
Canadian National	UTU	Yardmasters
Canadian National	UTU	Yardmasters
CSX Transportation	BLE-ATDD	Train Dispatchers
CSX Transportation	BMWE	Maintenance of Way
Northern Indiana Commuter	UTU	Conductors
Norfolk Southern	–	–

ADR: RAILROAD CASES DOCKETED FOR FISCAL YEAR 2002 continued

TTXCo	TCU-CARM	Carmen
Union Pacific	—	—
Union Pacific	BLE	Locomotive Engineers
Union Pacific	BLE	Locomotive Engineers

ADR: RAILROAD CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT OR CLASS
Burlington Northern Sante Fe	UTU-BLE	Mixed
Burlington Northern Sante Fe	ATDD	Train Dispatchers
Canadian National	UTU	Yardmasters
Canadian National	UTU	Yardmasters
CSX Transportation	UTU	Yardmasters
CSX Transportation	BMWE	Maintenance of Way
Grand Trunk Western	BLE-ATI	Train Dispatchers
NCCC/NRLC	UTU	Mixed
Northern Indiana Commuter	BLE-ATI	Train Dispatchers
Northern Indiana Commuter	UTU	Train and Engine
Northern Indiana Commuter	UTU	Train and Engine
Norfolk Southern	—	—
Union Pacific	BLE	Locomotive Engineers
Union Pacific	—	—
Union Pacific	BLE	Locomotive Engineers
Union Pacific	BLE	Locomotive Engineers

REPRESENTATION: AIRLINE CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Air Logistics, Inc.	OPEIU	Mechanics and Related Employees
AirTran Airways	IBT	Mechanics and Related Employees
Air Wisconsin Airlines Corp.	TWU	Flight Dispatchers
America West Airlines	IBT	Passenger Service Employees
American Airlines, Inc./TWA Airlines, LLC	APA-ALPA	Flight Deck Crew Members
American Airlines, Inc./TWA Airlines, LLC	APFA-IAM	Flight Attendants
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Mechanics and Related Employees
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Fleet Service Employees
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Stock & Stores Employees
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Flight Dispatchers
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Flight Simulator Technicians
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Meteorologists
American Airlines, Inc./TWA Airlines, LLC	TWU-IAM	Technical Specialists
American Trans Air, Inc.	AMFA	Mechanics and Related Employees
CCAair, Inc.	CCAPA-ALPA	Flight Deck Crew Members
Champion Air	IBT	Flight Dispatchers
Command Security Corp. dba Aviation Safeguards	PWU	Baggage Handlers
Delta Air Lines, Inc.	DATIA-TWU	Pilot Ground Training Instructors
Frontier Airlines, Inc.	IBT	Mechanics and Related Employees
Frontier Airlines, Inc.	AFA	Flight Attendants
Frontier Airlines, Inc.	IBT	Mechanics and Related Employees
Gate Safe, Inc.	IBT-HERE	Council Security Officers
Gemini Air Cargo, Inc.	ALPA	Flight Deck Crew Members

## REPRESENTATION: AIRLINE CASES DOCKETED FOR FISCAL YEAR 2002 continued

51

Hawaiian Airlines, Inc.	AMFA-IAM	Mechanics and Related Employees
Horizon Air Industries	AMFA-TWU	Mechanics and Related Employees
Hyannis Air Service, Inc. (dba Cape Air/Nantucket Airlines)	IBT	Pilots
Iberia Airlines of Spain	IAM	Flight Dispatchers
Industrial Helicopters, Inc.	OPEIU	Flight Deck Crew Members
Mesa Air Group	ALPA	Pilots
Midwest Express Airlines	IBT	Stock & Stores Employees
Midwest Express Airlines	AMFA	Mechanics and Related Employees
National Airlines	IAM	Fleet Service Employees
Pan American Airways	IAM	Mechanics and Related Employees
Piedmont Airlines	IAM	Stock and Stores Employees
Pinnacle Airlines Corp.	PACE	Fleet and Passenger Service Employees
Raytheon Travel	IBT	Pilots
Shuttle America Airlines	AFA	Flight Attendants
Sky Chefs, LSG Lufthansa Services, and LSG Lufthansa Service Saipan	HERE	Flight Kitchen & Commissary Employees
United Airlines, Inc.	IAM	Ground School Instructors
United Airlines, Inc.	IAM	Ground School Instructors
United Airlines, Inc.	IFPTE	Engineers and Related Employees
USA 3000 Airlines	AFA	Pilots
US Airways Express	AFA	Flight Attendants
Vanguard Airlines	IAM	Flight Attendants

## REPRESENTATION: AIRLINE CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS	DISPOSITION
Air Logistics, Inc.	OPEIU	Mechanics and Related	Dismissal
AirTran Airways	IBT	Fleet and Passenger Service	Dismissal
AirTran Airways	IBT	Mechanics and Related	Findings Upon Inves.- Dismissal
Air Wisconsin Airlines Corp.	TWU	Flight Dispatchers	Certification
American Airlines, Inc./TWA Airlines, Inc.	APFA	Flight Attendants	Findings Upon Inves.- Det. of Cert.
American Airlines, Inc./TWA Airlines, Inc.	APFA	Flight Deck Crew Members	Findings Upon Inves.- Det. of Cert.
American Airlines, Inc./TWA Airlines, Inc.	TWU	Fleet Service Employees	Findings Upon Inves.- Det. of Cert.
American Airlines, Inc./TWA Airlines, Inc.	TWU	Stock & Stores Employees	Findings Upon Inves.- Det. of Cert.
American Airlines, Inc./TWA Airlines, Inc.	TWU	Flight Dispatchers	Dismissal
American Airlines, Inc./TWA Airlines, Inc.	TWU	Flight Simulator Technicians	Findings Upon Inves.- Dismissal
American Airlines, Inc./TWA Airlines, Inc.	TWU	Meteorologists	Dismissal
American Airlines, Inc./TWA Airlines, Inc.	TWU	Mechanics and Related	Dismissal
American Airlines, Inc./TWA Airlines, Inc.	TWU	Technical Specialists	Findings Upon Inves.- Dismissal
American Trans Air, Inc.	AMFA	Mechanics and Related	Certification
CCAir, Inc.	CCAPA-ALPA	Flight Deck Crew Members	Dismissal-Withdrawn During Inves.
Champion Air	IBT	Flight Dispatchers	Certification
Command Security Corp. dba Aviation Safeguards	PWU	Baggage Handlers	Dismissal-Insuff. Showing of Interest

## REPRESENTATION: AIRLINE CASES CLOSED FOR FISCAL YEAR 2002 continued

Delta Air Lines, Inc.	AFA	Flight Attendants	Dismissal
Delta Air Lines, Inc.	DATIA-TWU	Pilot Grnd. Training Inst.	Dismissal
Frontier Airlines	IBT	Stock and Stores	Dismissal
Frontier Airlines	IBT	Mechanics and Related	Findings Upon Inves.- Dismissal
Frontier Airlines	AFA	Flight Attendants	Dismissal
Frontier Airlines	IBT	Mechanics and Related	Findings Upon Inves.- Dismissal
Gate Safe, Inc.	IBT-HERE	Security Officers	Certification
GeminiAir Cargo, Inc.	ALPA	Flight Deck Crew Members	Certification
Hawaiian Airlines	IAM	Mechanics and Related	Certification
Horizon Air Industries	AMFA	Mechanics and Related	Certification
Hyannis Air Service (dba Cape Air/Nantucket Airlines)	IBT	Pilots	Dismissal
Iberia Airlines of Spain	IAM	Mechanics and Related	Certification
Iberia Airlines of Spain	IAM	Flight Dispatchers	Certification
Industrial Helicopters	OPEIU	Flight Deck Crew Members	Certification
Mesa Air Group	ALPA	Pilots	Findings Upon Investigation
Midwest Express	AMFA	Mechanics and Related	Dismissal
National Airlines	IAM	Fleet Service Employees	Dismissal
Northern Air Cargo	NAFCA-IBEW	Flight Deck Crew Members	Findings Upon Inves.- Dismissal
Pakistan Int'l Airlines	IBT	Office Clerical Employees	Certification
Pakistan Int'l Airlines	IBT	Passenger Service	Certification
Pan Am	IAM	Mechanics and Related	Dismissal
Piedmont Airlines	IAM	Stock and Stores	Dismissal
Pinnacle Airlines Corp.	PACE	Fleet and Passenger Service	Dismissal
Raytheon Travel	IBT	Pilots	Dismissal
Sky Chefs, LSG Lufthansa Services and LSG Lufthansa Service Saipan	HERE	Flight Kitchen & Commissary	Dismissal-Withdrawn During Inves.
United Airlines	IAM	Ground School Instructors	Dismissal-Withdrawn During Inves.
United Airlines	IAM	Ground School Instructors	Dismissal-Withdrawn During Inves.
USA 3000 Airlines	IBT	Pilots	Certification
US Airways Express Dismissal	AFA	Flight Attendants	Findings Upon Inves.-
Vanguard Airlines	IAM	Flight Attendants	Dismissal

## REPRESENTATION: RAILROAD CASES DOCKETED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS
Alabama & Gulf Coast Railway LLC	AGCTE-UTU	Train and Engine Service Employees
California Northern Railroad Co.	UTU	Train and Engine Service Employees
Canadian National/Wisconsin Central	IBEW	Electrical Workers
Canadian National/Wisconsin Central	TCU	Clerical Office, Station and Storehouse Employees
Canadian National/Wisconsin Central	TCU	Carmen
Canadian National/Wisconsin Central	IBB&B	Maintenance of Way Employees
Canadian National/Wisconsin Central	BMWE	Maintenance of Way Employees
Canadian National/Wisconsin Central	USWA	Maintenance of Way Employees

## REPRESENTATION: RAILROAD CASES DOCKETED FOR FISCAL YEAR 2002 continued

53

Central Oregon & Pacific Railroad Inc.	IAM	Train and Engine Service Employees
Indiana, Chicago & Eastern Railroad	IBT-IBLE	Train and Engine Service Employees
Indiana Southern Railroad Co.	BLE	Train and Engine Service Employees
Industrial Steel Group, Cleveland Works Railway Co.	USWA	Operating Employees
Industrial Steel Group, Cleveland Works Railway Co.	USWA	Non-Operating Employees
Kansas City Southern Railway Co.	UTU-BLE	Train and Engine Service Employees
Metro-North Commuter Railroad	ACRE-BRS	Signalmen
New York, Susquehanna & Western Railway	BRS	Signalmen
Puget Sound & Pacific Railroad Co. Rail-Term	UTU IBT	Train and Engine Service Employees Railroad Freight Loaders and Handlers
Texas Mexican Railway, The	BLE-UTU	Train and Engine Service Employees
Westours McKinley Explorer	IBT	Carmen
Westours McKinley Explorer	IBT	Part-time Carmen
York Railway Co.	UTU-IBT	Train and Engine Service Employees

## REPRESENTATION: RAILROAD CASES CLOSED FOR FISCAL YEAR 2002

CARRIER	UNION	CRAFT/CLASS	DISPOSITION
Alabama & Gulf Coast Railway LLC	AGCTE	Train and Engine Service	Certification
California Northern Railroad	UTU	Train and Engine Service	Certification
Canadian Pacific Railroad (Soo Line)	TCU-ARASA	Subordinate Officials in Maintenance of Way	Dismissal
Central Oregon & Pacific Railroad CN/Wisconsin Central	IAM IBEW	Train and Engine Service Electrical Workers	Dismissal Dismissal-Withdrawn During Inves.
CN/Wisconsin Central	TCU	Clerical Office, Station and Storehouse	Certification
CN/Wisconsin Central	TCU	Carmen	Certification
CN/Wisconsin Central	IBB&B	Maintenance of Way	Dismissal- Withdrawn During Inves.
CN/Wisconsin Central	BMWE	Maintenance of Way	Certification
CN/Wisconsin Central	USWA	Maintenance of Way	Dismissal
Dakota, Minnesota & Eastern Railroad	BMWE	Maintenance of Way	Dismissal
Dakota, Minnesota & Eastern Railroad Helpers	BMWE	Mechanics and Mechanic	Dismissal
Indiana Southern Railroad	BLE	Train and Engine Service	Certification
Industrial Steel Group, Cleveland Works Rwy.	USWA	Operating Employees	Certification
Industrial Steel Group, Cleveland Works Rwy.	USWA	Non-operating Employees	Certification
Kansas City Southern Rwy.	UTU-BLE	Train and Engine Service	Findings Upon Inves.- Dismissal
Meridian Southern Railway New York, Susquehanna & Western Railway	BLE BRS	Train and Engine Service Signalmen	Certification Dismissal
Puget Sound & Pacific Railroad Co. Rail-Term	UTU IBT	Train and Engine Service Railroad Freight Loaders and Handlers	Certification
Texas Mexican Railway, The	BLE-UTU	Train and Engine Service	Certification
Westours McKinley Explorer	IBT	Carmen	Certification
Westours McKinley Explorer	IBT	Part-time Carmen	Dismissal-Withdrawn During Inves.

## 68<sup>TH</sup> ANNUAL REPORT OF THE NATIONAL RAILROAD ADJUSTMENT BOARD

CHICAGO, ILLINOIS

W.R. MILLER, CHAIRMAN

M.W. FINGERHUT, VICE CHAIRMAN

### ARBITRATION MONIES OBLIGATED FOR FY2002\*

#### REFEREE SERVICE

Referee Salaries	\$ 1,935,752
Referee Travel	127,485

**TOTAL** **\$ 2,063,237**

#### SECTION 153 ADMINISTRATION

Administration	
Personnel compensation	\$ 366,219
Personnel benefits	69,348
Travel and transportation of persons	27,968
Transportation of things	1,596
Rent, communications and utilities	108,792
Printing and reproduction	811
Other services	196,004
Supplies and materials	5,370
Equipment	59,589

**TOTAL** **\$ 835,697**

#### TOTAL

Section 153 and 157 Obligations	\$ 2,898,934
Unobligated Balance	70,066

**TOTAL APPROPRIATION** **\$ 2,969,000**

### NRAB GOVERNMENT EMPLOYEES AND DUTIES

	<b>TITLE</b>	<b>DUTIES</b>
Watkins, Roland	Director	Responsible for Arbitration Services and NRAB Government affairs
Conrad, Carol	Lead Program Assistant	Assists in Sections 153 & 157 Arbitration activities
Washington, Carolyn	Administrative Assistant	Coordinates automated information systems
<b>DIVISIONAL</b>		
Gathings, Linda	Arbitration Assistant	Responsible for all divisions of NRAB
Ybanez, Kimberly	Arbitration Assistant	Responsible for all divisions of NRAB

\* Accounting for all monies appropriated by Congress for the fiscal year 2002 pursuant to the authority conferred by the Railway Labor Act, as amended (public law 442, 73rd Congress – Approved June 21, 1934).

**CASES DOCKETED AND CLOSED BY THE  
NATIONAL RAILROAD ADJUSTMENT BOARD, FY2002**

<b>ALL DIVISIONS</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
Open and on hand at beginning of Period	1760	1514	2445
New Cases Docketed	1439	1259	853
Total Number of cases on hand and docketed	3199	2773	3298
Cases Closed	1176	1013	1784
Decided without referee	0	341	438
Decided with referee	763	573	517
Withdrawn	413	99	829
Open cases on hand at close of period	2023	1760	1514

<b>FIRST DIVISION</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
Open and on hand at beginning of Period	540	151	148
New Cases Docketed	613	501	121
Total Number of cases on hand and docketed	1153	652	269
Cases Closed	361	112	118
Decided without referee	0	5	11
Decided with referee	134	99	96
Withdrawn	227	8	11
Open cases on hand at close of period	792	540	151

<b>SECOND DIVISION</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
Open and on hand at beginning of Period	77	133	131
New Cases Docketed	47	40	90
Total Number of cases on hand and docketed	124	173	221
Cases Closed	51	96	88
Decided without referee	0	32	0
Decided with referee	47	62	80
Withdrawn	4	2	8
Open cases on hand at close of period	73	77	133

<b>THIRD DIVISION</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
Open and on hand at beginning of Period	1134	1225	2162
New Cases Docketed	763	703	638
Total Number of cases on hand and docketed	1897	1928	2800
Cases Closed	755	794	1575
Decided without referee	0	304	427
Decided with referee	578	401	338
Withdrawn	177	89	810
Open cases on hand at close of period	1142	1134	1225

<b>FOURTH DIVISION</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
Open and on hand at beginning of Period	9	5	4
New Cases Docketed	16	15	4
Total Number of cases on hand and docketed	25	20	8
Cases Closed	9	11	3
Decided without referee	0	0	0
Decided with referee	4	11	3
Withdrawn	5	0	0
Open cases on hand at close of period	16	9	5

**NATIONAL RAILROAD ADJUSTMENT  
BOARD REFEREES, FY2002**
**FIRST DIVISION**

John R. Binau  
Rodney E. Dennis  
Martin H. Malin  
Peter R. Meyers  
Robert G. Richter  
Barry E. Simon  
Marty E. Zusman

**SECOND DIVISION**

Edwin H. Benn  
Nancy F. Eischen  
Ann S. Kenis

**THIRD DIVISION**

Edwin H. Benn  
Steven M. Bierig  
Rodney E. Dennis  
Dana E. Eischen  
Ann S. Kenis  
John B. Larocco  
Herbert L. Marx, Jr.  
James E. Mason  
Peter R. Meyers  
Richard Mittenthal  
Margo R. Newman  
Robert M. O'Brien  
Barry E. Simon  
Gerald E. Wallin  
Marty E. Zusman

**FOURTH DIVISION**

Marty E. Zusman

## OVERVIEW FOR FIRST DIVISION

**MEMBERSHIP**

K. N. Thompson, Chairman  
 R. K. Radek  
 M. J. Ruef  
 B. R. Wigent  
 M. W. Fingerhut, Vice Chairman  
 W. B. Murphy  
 R. Burney  
 J. P. Horbury, Sr.

**FIRST DIVISION**

Cases pending at beginning of fiscal year	540
New Cases	613
Cases Closed	361
Cases Decided with Referee	134
Cases Withdrawn	227
Cases pending at close of fiscal year	792

**BREAKDOWN OF NEW CASES BY CARRIER**

Alabama & Gulf Coast Railroad	1
Belt Railway Company of Chicago	1
Burlington Northern Santa Fe Railway	21
Canadian Pacific Railroad	7
Canadian National Railway	1
Central Montana Rail	1
Chicago, Central & Pacific	1
CSX Transportation, Inc.	8
Delaware & Hudson Railroad	2
Grand Trunk Western Railroad	3
Illinois Central Railroad	2
Iowa Interstate	1
Midsouth	9
Norfolk Southern	2
Northeast Illinois Regional Commuter	11
San Joaquin Valley Railroad	1
Soo Line Railroad	8
Southeastern Pennsylvania Transit	4
Union Pacific Railroad	526
Wisconsin Central Railroad	3

**TOTAL NEW CASES 613**

**BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION**

Brotherhood of Locomotive Engineers	571
Transportation Communications Union	1
United Transportation Union	20
Miscellaneous (Individual)	21

**TOTAL NEW CASES 613**

## OVERVIEW FOR SECOND DIVISION

**MEMBERSHIP**

R. S. Bauman, Chairman  
 D. S. Anderson  
 A. M. Novakovic  
 J. R. Hurtubise  
 J. Cronk  
 P. V. Varga, Vice Chairman  
 H. G. Williams  
 J. F. Ingham  
 R. Parks  
 T. N. Tancula

**SECOND DIVISION**

Cases pending at beginning of fiscal year	77
New Cases	47
Cases Closed	51
Cases Decided with Referee	47
Cases Withdrawn	4
Cases pending at close of fiscal year	73

**BREAKDOWN OF NEW CASES BY CARRIER**

Burlington Northern Santa Fe Railway	17
Delaware & Hudson Railroad Company	3
Delray Connecting Railroad Company	1
I & M Rail Link	1
Illinois Central Railroad	1
Norfolk Southern Railroad	1
Soo Line Railroad	2
South Buffalo Railway Company	2
Springfield Terminal Railroad	15
Union Pacific Railroad	3
Wheeling & Lake Erie Railroad	1

**TOTAL NEW CASES 47**

**BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION**

Brotherhood Railway Carmen	21
International Brotherhood of Electrical Workers	20
Sheet Metal Workers	1
Brotherhood of Railroad Signalmen	1
Int'l. Assoc. of Machinists & Aerospace Workers	1
National Conference of Firemen & Oilers	2
Miscellaneous (Individual)	1

**TOTAL NEW CASES 47**

## OVERVIEW FOR THIRD DIVISION

## MEMBERSHIP

W. R. Miller, Chairman	M. C. Lesnik, Vice Chairman
C. A. McGraw	M. W. Fingerhut
D. W. Volz	J. F. Hennecke
R. C. Robinson	J. S. Morse
I. Monroe	T. Rohling

## THIRD DIVISION

	<b>2002</b>
Cases pending at beginning of fiscal year	1,134
New Cases	763
Cases Closed	755
Cases Decided with Referee	578
Cases Withdrawn	177
Cases pending at close of fiscal year	1,142

## BREAKDOWN OF NEW CASES BY CARRIER

Alton & Southern Railroad	1
Amtrak	88
Bangor & Aroostook Railroad	1
Belt Railway Company	2
Burlington Northern Santa Fe Railway	108
Canadian Pacific Railroad	6
Canadian National Railway	1
Consolidated Rail Corporation	2
CSX/Sealand Terminal	8
CSX Transportation, Inc.	247
Delaware & Hudson Railway	14
Duluth, Missabe & Iron Range Rwy.	21
Grand Trunk Western Railroad	11
Illinois Central Railroad	6
Indiana Harbor Belt Railway	5
Kansas City Southern Railway	12
Long Island Railroad	1
Montana Rail Link	2
New Orleans Public Belt Railroad	2
Norfolk Southern	1
Northeast Illinois Regional Commuter	4
Port Authority Trans Hudson	1
Soo Line Railroad	27
Springfield Terminal	5
Terminal Railroad Association	9
Texas Mexican Railway	12
Union Pacific Railroad	164
Wheeling & Lake Erie Railroad	2

**TOTAL DOCKETED CASES** **763**

## BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

American Train Dispatchers Department	17
Brotherhood of Maintenance of Way Employees	357
Brotherhood of Railroad Signalmen	218
Transportation Communications Union	164
Miscellaneous (Individual)	7

**TOTAL CASES DOCKETED** **763**

## OVERVIEW FOR FOURTH DIVISION

## MEMBERSHIP

J. R. Cumby, Chairman
N. R. Cobb
Vacancy (ARASA)
A. Gradia, Vice Chairman
J. S. Gibbons
P. A. Madden

## FOURTH DIVISION

	<b>2002</b>
Cases pending at beginning of fiscal year	9
New Cases	16
Cases Closed	9
Cases Decided with Referee	4
Cases Withdrawn	5
Cases pending at close of fiscal year	16

## BREAKDOWN OF NEW CASES BY CARRIER

Union Pacific Railroad	7
Delaware & Hudson Railway	3
Duluth, Missabe & Iron Range Rwy.	4
Northeast Illinois Regional Commuter	1
Springfield Terminal	1

**TOTAL DOCKETED CASES** **16**

## BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

Transportation Communications Union	15
Miscellaneous (Individual)	1

**TOTAL CASES DOCKETED** **16**

## SECTION 3 TRIBUNALS AND ARBITRATORS ASSIGNED

### 1. SECTION 3 TRIBUNALS ESTABLISHED, FY2002

#### NO. OF BOARDS

Public Law Board	115
Special Boards of Adjustment	3
Arbitration Board	1

### 1A. PUBLIC LAW BOARDS, FY2002

CARRIERS	NO. OF BOARDS	CARRIERS	NO. OF BOARDS
Alabama State Docks	1	Northern Indiana Commuter Transportation District	2
Bangor & Aroostook Railroad Co.	1	Northeast Illinois Regional Commuter Railroad Corp.	2
The Belt Railway Company of Chicago	2	Patapsco & Back Rivers	1
Buffalo & Pittsburgh	1	Paducah & Louisville Railway	2
Burlington Northern Santa Fe Railway Company	31	Peoria & Pekin Union Railway Company	1
Canadian National Railway	1	Port Authority Trans Hudson	1
Canadian Pacific/Soo Line	1	Red River Valley & Western Railroad	1
Chicago, Central & Pacific Railroad	1	Soo Line Railroad	3
CSX Transportation, Inc.	14	South Buffalo Railway Company	1
The Cuyahoga Valley Railway Co.	2	South Carolina Public Railway	1
Delaware & Hudson	2	St. Lawrence & Atlantic Railroad Company	1
Duluth, Missabe & Iron Range Railway Company	1	St. Lawrence & Hudson Railway	1
Elgin, Joliet & Eastern Railway	1	Springfield Terminal Railroad Company	2
Grand Trunk Western	4	Terminal Railroad Association of St. Louis	1
Kansas City Southern	4	Terminal Railway Alabama State Dock	1
Long Island Rail Road	2	The Texas Mexican Railway	1
Manufacturers Railway Company	1	Union Pacific Railroad Co.	7
Montana Rail Link	1	Union Railroad Company	1
National Railroad Passenger Corporation (AMTRAK)	2	Wisconsin Central Railroad	1
Norfolk Southern Corporation	10	York Railroad Company	1
<b>TOTAL</b>	<b>115</b>		

UNIONS	NO. OF BOARDS	UNIONS	NO. OF BOARDS
Allied Services Division/TCIU	2	International Brotherhood of Electrical Workers	6
American Trains Dispatchers Department/BLE	5	International Longshoremen's Association	1
American Railway & Airway Supervisors Association	1	National Conference of Firemen and Oilers	2
Brotherhood of Locomotive Engineers	16	Sheet Metal Workers International Association	1
Brotherhood of Maintenance of Way Employees	19	Transportation Communications International Union	4
Brotherhood of Railroad Signalmen	5	United Steel Workers of America	1
Brotherhood of Railway Carmen/TCIU	11	United Supervisors Council of America/TCIU	1
International Association of Machinists & Aerospace Workers	4	United Transportation Union	36
<b>TOTAL</b>	<b>115</b>		

**1B. SPECIAL BOARDS OF ADJUSTMENT, FY2002**

<b>CARRIER</b>	<b>NO. OF BOARDS</b>
Burlington Northern & Santa Fe , et al.	1
The Long Island Rail Road Company	1
Northeast Illinois Regional Commuter Railway Corporation	1

<b>TOTAL</b>	<b>3</b>
--------------	----------

<b>UNIONS</b>	<b>NO. OF BOARDS</b>
Brotherhood of Locomotive Engineers and United Transportation Union	1
Brotherhood Railway Carmen Division/TCIU	1
Brotherhood of Railroad Signalmen	1

<b>TOTAL</b>	<b>3</b>
--------------	----------

**1C. ABITRATION BOARDS, FY2002**

<b>CARRIER</b>	<b>NO. OF BOARDS</b>
Soo Line	1

<b>TOTAL</b>	<b>1</b>
--------------	----------

<b>UNION</b>	<b>NO. OF BOARDS</b>
United Transportation Union	1

<b>TOTAL</b>	<b>1</b>
--------------	----------

**1D. ARBITRATORS SELECTED (PLB, SBA OR ARB BOARDS), FY2002**

Edwin Benn	Thomas Germano	Andree McKissick	Lamont Stallworth
Steven Bierig	Charlotte Gold	Peter R. Meyers	Edward Suntrup
John Binau	Robert Hicks	Eckehard Muessig	David P. Twomey
Fred Blackwell	Joshua M. Javits	Nancy Murphy	M. David Vaughn
James Conway	Ann Kenis	James E. Nash	Gilbert Vernon
John Criswell	Jonathan Klein	Robert O'Brien	Gerald Wallin
Barbara Deinhardt	Kinard Lang	Joan Parker	Elizabeth Wesman
Rodney Dennis	Frank Lynch	Robert Peterson	Helen M. Witt
Francis Domzalski	Martin Malin	Robert Perkovich	Carol Zamperini
Robert Douglas	Herbert Marx	Francis X. Quinn	Barbara Zausner
Dana E. Eischen	James Mason	Robert Richter	Marty E. Zusman
William F. Euker	Herbert L. Marx, Jr.	Thomas Rinaldo	
John Fletcher	James McDonnell	Barry Simon	

## GLOSSARY OF TERMS AND ACRONYMS

**Act**

The Railway Labor Act

**Agency**

The National Mediation Board

**Alliance**

The Alliance for Education in Dispute Resolution

**Alternative Dispute Resolution (ADR)**

ADR is a process for resolving disputes outside of the judicial system of law. In the venue of the NMB, mediation and arbitration have been the mainstay processes for dispute resolution, and Alternative Dispute Resolution is the facilitation of interest-based or mutual-interest negotiations and grievance mediation.

**Amendable Contract**

Under the Railway Labor Act, collective bargaining agreements become subject-to-change on a specified date, rather than expiring as agreements do under the National Labor Relations Act.

**Arbitration**

A type of grievance resolution process where an arbitrator renders a decision, which usually can be appealed only on a very narrow basis such as fraud.

**Board**

May be one of:

- National Mediation Board
- Presidential Emergency Board
- National Railroad Adjustment Board
- Special Board of Adjustment
- Public Law Board
- National Labor Relations Board

**Center**

The Center for the Advance Study of Law and Dispute Resolution Processes, a joint NMB/George Mason University program.

**Class I**

A category of the largest U.S. railroads as defined by the Surface Transportation Board

**Collective Bargaining Agreement**

A labor contract between a union and a carrier

**Cooling Off Period**

A 30-day period of time preceding the right of parties to a collective bargaining dispute to engage in "self help" under the RLA.

**Craft or Class**

A group of employees deemed by the NMB to share a community of work and interest for the purpose of collective bargaining under the RLA.

**Direct Negotiations**

Negotiations between the parties to a collective bargaining dispute before or apart from NMB mediation.

**Facilitation**

A process where a neutral helps the parties in a collective bargaining or grievance dispute use ADR problem-solving methods such as interest-based bargaining or grievance mediation.

**Grievance Mediation**

In the venue of the NMB, using mediation as an alternative to arbitration for resolving grievances.

**Impasse**

In mediation under the RLA, an impasse is when the NMB determines that further mediation will not resolve a collective bargaining dispute.

**Interest Based Bargaining**

A type of negotiations where the parties collaboratively focus on finding solutions to underlying needs or concerns of each party (i.e., the whys) instead of adversatively negotiating specific positions.

**Laboratory Conditions**

Conditions to a representation dispute which ensure the independence of labor and management for the purpose of self-organization and the right of employees to freely determine whether they wish to be represented for the purpose of collective bargaining.

**Laker Ballot**

A special NMB yes/no ballot designed to address instances of carrier interference as first used in a representation case involving Laker Airlines.

**Mediation**

A type of dispute resolution process where a neutral (i.e., a mediator) facilitates agreement between the parties to a collective bargaining dispute, vis-a-vis imposing a settlement on the parties.

**National Handling**

When management of several railroads choose to negotiate collectively on a national basis.

**Proffer of Arbitration**

The step in the process of resolving collective bargaining disputes under the RLA which follows a determination of impasse by the NMB, whereby the NMB offers binding arbitration to the parties as a method for resolving the dispute.

**Public Interest Meetings**

Under the RLA, the NMB can intervene in an active collective bargaining dispute at any time in the interest of the general public. Usually, one or both parties to a dispute requests the mediation services of the NMB.

**Section 3**

Section 153 of the RLA pertaining to the National Railroad Adjustment Board

**Section 6**

Section 156 of the RLA pertaining to the Changing rates of pay, rules and working conditions

**Section 7**

Section 157 of the RLA pertaining to Arbitration

**Section 9a, Section 159a**

Section 159A of the RLA pertaining to Presidential Emergency Boards

**Section 10, Section 160**

Section 160 of the RLA pertaining to Presidential Emergency Boards

**Self Help**

The right of a party to a collective bargaining dispute to unilaterally act in its own best interest. A carrier, for example, may lock disputing employees out of the workplace or implement changes in pay, rules and working conditions; and the union, for example, may strike or work specifically as required by its collective bargaining agreement.

**Showing Of Interest**

In a representation dispute, a majority of employees in a Craft or Class must indicate an interest in being represented for the purpose of collective bargaining by signing authorization cards which are submitted to the NMB by the representative/s of their choosing.

**Status Quo**

Situations under the RLA in either collective bargaining or representation disputes where existing pay rates, rules and working conditions cannot be changed unilaterally, pending the resolution of the dispute in question.

**System Boards of Adjustment**

An arbitration board pursuant to an agreement by the parties for resolving grievances.

\* These definitions are meant to provide general understanding only. These definitions are not to be construed as legal definitions relating to any matter before the Board and may not be cited in any administrative, legal or arbitral proceedings.

## ACRONYMS

<b>ACR</b>	Association for Conflict Resolution (formerly SPIDR)	<b>ICAR</b>	Institute for Conflict Analysis and Resolution
<b>ADR</b>	Alternative Dispute Resolution	<b>IDP</b>	Individual Development Plan
<b>AFA</b>	Association of Flight Attendants	<b>IFPTE</b>	International Federation of Professional and Technical Engineers
<b>ALPA</b>	Air Line Pilots Association	<b>IPA</b>	Independent Pilots Association or Intergovernmental Personnel Act
<b>ALRA</b>	Association of Labor Relations Agencies	<b>IRRA</b>	Industrial Relations Research Association
<b>AMFA</b>	Aircraft Mechanics Fraternal Association	<b>ISI</b>	Insufficient Showing of Interest
<b>AMTRAK</b>	National Railroad Passenger Corporation	<b>IT</b>	Information Technology
<b>APA</b>	Allied Pilots Association	<b>JFMIP</b>	Joint Financial Management Improvement Program
<b>APFA</b>	Association of Professional Flight Attendants	<b>KHPA</b>	Kitty Hawk Pilots Association
<b>ARB</b>	Arbitration	<b>LLP</b>	Limited Liability Partnership (typically)
<b>ASA</b>	Atlantic Southeast Airlines	<b>MAG</b>	Mesa Air Group
<b>ATA</b>	American Trans Air, or Air Transport Association	<b>MERCY</b>	Mercy Air Service
<b>ATDD</b>	American Train Dispatchers Department, BLE	<b>NCCC</b>	National Carriers' Conference Committee
<b>ATSB</b>	Air Transport Stabilization Board	<b>NCFO</b>	National Conference of Firemen and Oilers
<b>BLE</b>	Brotherhood of Locomotive Engineers	<b>NICTD</b>	Northern Indiana Commuter Transportation District
<b>BMWE</b>	Brotherhood of Maintenance of Way Employees	<b>NLRA</b>	National Labor Relations Act
<b>BNSF</b>	Burlington Northern and Sante Fe	<b>NLRB</b>	National Labor Relations Board
<b>BRS</b>	Brotherhood of Railroad Signalmen	<b>NMB</b>	National Mediation Board
<b>C/N</b>	Canadian National Railroad	<b>NRAB</b>	National Railroad Adjustment Board
<b>CCAPA</b>	CCAir Pilots Association	<b>NRLC</b>	National Railway Labor Conference
<b>CIO</b>	Chief Information Officer	<b>OMB</b>	Office of Management and Budget
<b>COS</b>	Chief of Staff	<b>OPEIU</b>	Office and Professional Employees International Union
<b>CSX/CSXT</b>	CSX Transportation Incorporated	<b>PACE</b>	Paper, Allied-Industrial, Chemical and Energy Workers International Union
<b>CWA</b>	Communication Workers of America	<b>PATH</b>	Port Authority Trans Hudson
<b>D&amp;T</b>	Development and Technology	<b>PDO</b>	Program Development and Outreach
<b>DATIA</b>	Delta Aircrew Training Instructors Association	<b>PDF</b>	Adobe document format type
<b>DHL</b>	DHL Worldwide Express	<b>PEB</b>	Presidential Emergency Board
<b>DOJ</b>	Department of Justice	<b>PLB</b>	Public Law Board
<b>DOT</b>	Department of Transportation	<b>PSA</b>	PSA Airlines
<b>F&amp;A</b>	Financial and Administrative	<b>PWU</b>	Production Workers Union
<b>FAA</b>	Federal Aviation Administration	<b>RLA</b>	Railway Labor Act
<b>FEDX</b>	Federal Express	<b>RR</b>	Railroad
<b>FMIA</b>	Federal Financial Management Improvement Act	<b>SBA</b>	Special Board of Adjustment
<b>FTE</b>	Full Time Equivalent	<b>SEPTA</b>	Southeastern Pennsylvania Transportation Authority
<b>FUI</b>	Findings Upon Investigation	<b>SPIDR</b>	Society of Professionals in Dispute Resolution
<b>FY</b>	Fiscal Year	<b>STB</b>	Surface Transportation Board
<b>GLOWS</b>	A Financial Management software system	<b>SWAPA</b>	Southwest Airlines Pilots Association
<b>GMRA</b>	Government Management Reform Act	<b>TCU/TCIU</b>	Transportation Communications International Union
<b>GMU</b>	George Mason University	<b>TEV</b>	Telephone Electronic Voting
<b>GPRA</b>	Government Performance and Results Act	<b>TWA</b>	Trans World Airlines
<b>HERE</b>	Hotel and Restaurant Employees International Union	<b>TWA-LLC</b>	TWA Airlines, LLC
<b>HTAW</b>	Hawaii Teamsters and Allied Workers	<b>TWACCA</b>	TWA Cockpit Crew Members Association
<b>IAM</b>	International Association of Machinists & Aerospace Workers	<b>TWU</b>	Transport Workers Union of America
<b>IAEP</b>	International Association if EMTs and Paramedics	<b>UCLA</b>	University of California – Los Angeles
<b>IBB</b>	Interest-Based Bargaining	<b>UIU</b>	United Independent Union
<b>IBEW</b>	International Brotherhood of Electrical Workers	<b>USWA</b>	United Steelworkers of America
<b>IBT</b>	Int'l Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America	<b>UTU</b>	United Transportation Union
		<b>WDI</b>	Withdrawal During Investigation
		<b>WFLS</b>	Washington Foreign Law Society